



Document
BULKY [REDACTED]

Proceeding/Serial No: 91162330

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Title: Opposer's First Notice of Reliance

Pursuant to Trademark Rules 2.122(c)

And 2.122(E)

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Q. Ever heard of Fila?

1 C. BERMAN

2 A. Yes, I have heard of Fila.

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7 A. Can I be laughing on the --

8 THE WITNESS: Is it okay if you
9 take note of the fact that I'm laughing?

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19 Q. Did you ever hear of Vans?

20 A. I've seen sneakers that are Vans.
21 I think my daughter had a pair of Vans. So,
22 yes, that's something that I -- I think that's
23 what they're called. I'm pretty sure I've
24 heard of Vans.

25 Q. Did you ever hear of Rocawear?

1 C. BERMAN

2 A. You know, that kind of rings a
3 bell. I don't know why.

4 Q. Ever here of Fubu?

5 A. Yes, I have heard of Fubu.

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19 Q. You had heard of the Mecca
20 clothing before you filed the application or
21 after, do you recall?

22 A. I don't know. You guys are
23 confusing me with all these dates and things.
24 I don't know.

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8 A. Mecca was -- the idea behind Mecca
9 was the same idea behind New York City. But
10 Mecca, with all of the backlash with the Arab
11 community in the United States became a
12 start-and-stop thought process very quickly
13 because it is the pilgrimage for the Islamic
14 people to -- in their -- in the Moslem
15 religion that one of the things they're
16 supposed to do in their life is go to Mecca
17 and that is the whole thing behind Mecca.

18 And, you know, our country is
19 not -- I don't think the place to market a
20 product with a trademark associated with the
21 Arab community. At least not at this time.

22 So it didn't really become
23 something that I was very concerned with for
24 very long.
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Q. Did you ever hear of the movie
Pimp My Car?

Is that the name of it?

MR. DOYLE: TV show.

Q. TV show.

MR. DOYLE: Pimp My Ride.

Q. Pimp My Ride.

Did you ever hear of that?

A. Yes.

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Q. Well, you had stated that you were familiar with Ralph Lauren and those kind of things. Are you familiar with the fact that certain car interiors are -- upholstery use clothing brands and their logos to upholster cars?

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A. I've seen Eddie Bauer. I've seen Harley Davidson. Recently those are the only two that I've noticed. Years ago there was all kinds of things. There was Gucci at one point did something with a car. I don't know if those names are associated with any particular type of individual. I would think not.

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11 MS. COHEN: Well, since we've
12 discussed it I'm going to mark the
13 printout of the 2006 Subaru Forester, L.
14 L. Bean edition for the record as Exhibit
15 E.

16 (Opposer's Exhibit E, Subaru
17 Forester marketing document, marked for
18 identification as of this date.)

19 BY MS. COHEN:

20 Q. And you did mention the Eddie
21 Bauer edition. Would that be of the Ford
22 Expedition, do you know?

23 A. Yes. But you being more familiar
24 with clothing these days than I am, is Eddie
25 Bauer a clothing company? I thought it was

1 C. BERMAN

2 all that hiking stuff. Is that clothing,
3 Eddie Bauer? I refer to it as a brand name.
4 But I don't know that I would think of Eddie
5 Bauer as a clothing company. Maybe I'm wrong.

6 Q. Well, what do you hike in?

7 A. I guess. Okay.

8 Q. You wear shoes and clothes, right?
9 Not much more to hiking stuff. Yes?

10 A. I don't know. I think of
11 backpacks and I think of things associated --
12 you know, other hiking things when I think of
13 Eddie Bauer. And perhaps that's why it's used
14 in a truck.

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MS. COHEN: I'm going to mark this
article about Coach and Lexus.

(Opposer's Exhibit F,
theautochannel.com web page printout,
marked for identification as of this
date.)

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Q. Did you ever hear of Academics as
a clothing company?

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A. No.

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Q. Ecko, E-C-K-O?

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A. For some reason that rings a bell.

24

I don't really know why. But it does.

25

Q. And One?

1 C. BERMAN

2 A. Yes. And One is -- I believe Alan
3 Iverson wears And One.

4 Q. Did you ever hear of car dealers
5 or car companies which have clothing they sell
6 in their dealership?

7 A. Very limited, but, yes.

8 Q. Such as Mercedes Benz jackets
9 or -- well, you can tell me what you've seen.

10 A. Well, like a short-sleeve shirt
11 that has a Porsche symbol on it.

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MS. COHEN: I'm going to mark this
as Opposer's Exhibit G.

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(Opposer's Exhibit G, Puma web
page printout, marked for identification
as of this date.)

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MS. COHEN: I'll have this marked
for the record as Opposer's H.

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(Opposer's Exhibit H, EXPN web
page printout, marked for identification
as of this date.)

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3 A. No. The rim business generally
4 has it own type of brand names. Which is why
5 I felt I could create a name and promote it
6 properly in that field. E-N-K-E, Enke is a
7 big brand in rims. American Racing is a big
8 brand in rims. Ultra Wheel. I mean,
9 there's -- and I don't know that I've seen
10 those names necessarily on other things, you
11 know. But that's -- those are some of the big
12 names of rims.

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MS. COHEN: I'm going to mark this
article with the P. Diddy custom
automobile rims article from MSN.

(Opposer's Exhibit I, MSN article,
marked for identification as of this
date.)

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Q. Are these wheels a part of a fashion statement when people -- is that why people buy them?

A. The design of the after-market wheel is very important to the successful sale

1 C. BERMAN

2 of the after-market wheel.
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19 Q. What would a custom license plate
20 entail? On your list of products you speak of
21 custom license plates. Is that a license
22 plate holder?

23 A. Generally. Or in certain states
24 you don't have the need for the license plate
25 in the front of the car so you could actually

1 C. BERMAN

2 have a license plate in the front of the car
3 that's decorative.

4 Q. So they are decorative.

5 A. They're decorative.

6 Q. So what kind of decorations would
7 they have?

8 A. Well, I don't know when the last
9 time you went into, let's say, a Pep Boys or
10 something was or an R&S Strauss but you'll see
11 license plates that have sayings on them.
12 You'll see license plates that have Donald
13 Duck on them. You'll see license plates that
14 have your NASCAR stuff on them like you were
15 referring to before. That's what a license
16 plate holder or an actual license plate would
17 actually be.

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2 Q. What made you think of putting a
3 trademark or a brand on these accessories? Do
4 they normally have names? Or are they just
5 rims?

6 A. To go into the manufacturing
7 process of any one of these categories that
8 are, you know, subcategories of this main
9 category requires molds, requires production
10 runs. And if that's going to occur there's a
11 sizable investment associated with that. And
12 that investment needs protection. So if
13 something's going to go out into the
14 marketplace and be successful and then
15 somebody else can turn around and just get it
16 from you, that's not doing anybody any good.

17 So that's the purpose for my idea
18 of filing for a trademark.

19 Q. Have you seen rims and these car
20 accessories with brand names on them?

21 A. Yes. And I mentioned some of
22 those names to you.
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9 MS. COHEN: Can you mark this
10 article from Automotive Rhythms.com.

11 (Opposer's Exhibit J, Automotive
12 Rhythms.com web page printout, marked for
13 identification as of this date.)

14 BY MS. COHEN:

15 Q. So now that you do know, though,
16 that there is a name, a brand of clothing
17 which my client owns which is ENYCE, you don't
18 think that if that name was put on one of
19 these rims that people wouldn't think that it
20 came from my client or was licensed by my
21 client?

22 A. I don't think anybody knows your
23 client exists. I stood on street corners in
24 some of the largest cities in the country and
25 nobody knew -- had never heard of it. The

1 C. BERMAN

2 name would need to be promoted and would need
3 to be advertised. It would need to have the
4 wheels with that name on it, with the name on
5 it, would have to have the right look that the
6 customers would want to buy it. It would have
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14 Q. Well, if one of the rims was named
15 Vans, do you think people would think that
16 they came -- or were licensed by Vans?

17 A. No. I don't think people would
18 think it had anything to do with Vans. Vans
19 is cars. Vans is minivans or whatever.

20 Q. No, I meant --

21 A. I mean, so, you know, I would see
22 Vans and I would think it was vans on a wheel.
23 And I wouldn't think anything of the kind.

24 Q. How about Levis?

25 A. Well, Levis is a name that people

1 C. BERMAN

2 know. I mean, Levis is now a brand name that
3 people know. That is a brand name.

4 Q. So you think that people might
5 think that if there was Levy rims that it came
6 from Levy, the jean company.

7 A. I don't know. Maybe not. But at
8 least there's a chance of that. I mean,
9 nobody ever heard of this -- your ENYCE name.

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14 Q. No one ever heard of it but yet
15 you applied for it and another brand in the
16 same exact field that it's in, one of its
17 biggest competitors, Mecca, and within two
18 months of each other you never heard of either
19 one of those and just by coincidence you
20 applied for both of those names as shown in C
21 and D. Is that what you're saying?

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Q. How about if someone -- well, I didn't make a statement. I'm asking you if you're saying it was a coincidence.

A. I have no response to the question.

Q. How about if someone put Fubu on rims, do you think people would think it came from that company?

A. Fubu would have to promote it in conjunction with their clothing.

Q. Well, you're welcome with licenses because you had a license.

A. Yes.

Q. So might people think it was licensed by Fubu?

A. If it was promoted with the other Fubu products, if it had the same logo on it, the Fubu logo, if it had some association, if it was on the same website, yes, at that point, you would. But otherwise people might not know what that name was either.

Q. How about if it had Nike on the

1 C. BERMAN

2 rims, would then people think that it was
3 licensed by Nike?

4 A. I don't know. You're getting into
5 a whole different line of questions that I'm
6 not prepared to answer.

7 Q. And what about when you had this
8 Givenchy license; would you believe that
9 someone could without a license sell Givenchy
10 bathing suits?

11 A. Again, you're getting down to a
12 whole line of questions that I don't -- I'm
13 not prepared to answer. I don't even know how
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3 Q. What about Rolex? If you wanted
4 to put out Rolex wheels, do you think you
5 would have to get a license from Rolex?

6 A. Once again, you're going down a
7 whole line of questions that I wasn't prepared
8 to answer.

9 Q. Well, it's just a -- would you
10 think that you would need a license?

11 A. If they had filed -- again, you're
12 going down a whole other line of questions
13 that I don't -- I'm not a lawyer. I don't
14 know how to answer these questions.

15 Q. Would you think consumers would
16 think that they are licensed, the Rolex wheels
17 from Rolex?

18 A. I think if you put a big clock on
19 the side of a building and put the name Rolex
20 on it, I think people would say that clock has
21 something to do with Rolex watches. That's
22 why when you put a swim trunk with the name
23 Givenchy on it somebody thinks it has
24 something to do with the ladies' gowns.

25 But when you say do you put it on

C. BERMAN

a wheel, I don't know how to answer that
question. That's a different kind of
question.

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Q. Have you ever heard of clothing
companies sponsoring auto shows?

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A. No. And I don't understand what
that has to do with anything at all.

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THE WITNESS: And please take note
of the fact that I'm laughing again.

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Q. I'm just going to run through the places where you worked briefly. You were with Adolfo right out of college and at the time you were working with Adolfo were you also working with any other companies?

A. Well, Adolfo wasn't the name of the corporation. They was a licensee.

Q. The corporation was a licensee of

1 C. BERMAN

2 Adolfo?

3 A. Yes.

4 Q. What was the name of the
5 corporation?

6 A. I don't remember. Sorry.

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4 A. There were times throughout my
5 career where I did get involved with some
6 other projects. You're referring to a
7 specific time right now where I did start to
8 develop my beach chair invention while I was
9 with Active American Apparel. So for me to be
10 specific about, you know, that, all I did was
11 work for that company. At any given time I'd
12 like to say that almost completely I was -- I
13 always look at doing other things no matter
14 what I'm doing. But I don't ever let it take
15 away from what I'm doing.
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So at the same time you were working for Active -- or an owner of Active American Apparel you were also developing the Cary chair; is that right?

A. Yes.

Q. Any other projects?

A. I'm sure there were but I don't recall.

Q. Nothing you recall. Any other projects that involved a trademark that you had come up with?

A. At that time?

Q. Yeah.

A. I had a line of sportswear called Cary Brett but I don't think I ever filed for a trademark. I don't recall ever filing for a trademark.

Q. Cary Brett Sportswear?

A. My middle name is Brett.

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Q. But did you ever take the Cary
Brett words and put them on a piece of
clothing and sell that piece of clothing?

A. Yes.

Q. On a label.

A. Yes.

1 C. BERMAN

2 Q. And tell me the goods on which you
3 placed the Cary Brett mark.

4 A. I don't remember. I just remember
5 a sign that we had at the door -- it's too
6 far -- too long time ago.

7 Q. What period was it?

8 A. Sometime in the '80s.

9 Q. Did you put it on anything other
10 than textiles?

11 A. No. Other than the sign on the
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21 Q. Can you remember any projects that
22 you undertook between the two?

23 A. I got involved doing a couple
24 commercials.

25 Q. What do you mean by doing

1 C. BERMAN

2 commercials?

3 A. I was involved also at one point
4 in a -- actually producing some TV
5 commercials.

6 I also was involved in a book
7 project where we developed -- trying to offer
8 an easy understanding as to employment laws to
9 an individual. We had a book called Know Your
10 Rights At Work.

11 I mean, there have been other
12 things that I have done during my career.
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Q. Tell me about the book project.

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What was your role in the book project?

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A. I thought of the idea myself --

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and another guy together we had a book idea.

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Q. This was a book that would explain

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to the layman employment law?

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A. The Americans With Disabilities

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Act was just coming into play full force. And

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you had the age discrimination law. You had

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the -- there were different laws associated

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with the work place. And we tried to lay it

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out for a person to understand, easily

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understand what -- you know, if they were

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being treated incorrectly in the work place

22

with either a firing or not being promoted or

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equal pay. Situations like that sort of

24

thing. Then there was a questionnaire. And

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there was a referral for an attorney.

C. BERMAN

Q. What was your role in that project?

A. I was one of the people that thought of the idea to do it.

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A. I may have gotten a little consulting work with some things but nothing to speak of.

Q. What type of consulting did you do?

A. I looked at businesses for different reasons.

Q. Such as?

1 C. BERMAN

2 A. Manufacturing standpoint. From a
3 sales standpoint.
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24 Q. How about sales? What did you do
25 if asked to consult regarding sales?

1 C. BERMAN

2 A. Sales is something that I
3 personally am very good at. And each product
4 needs to be sold differently. Each product
5 doesn't need to be sold differently but I
6 would have to look at a particular market, and
7 a particular marketplace and try to sell it
8 and see if I could get some success selling it
9 and see if I could teach others to sell it the
10 same way I've been selling it. I've always
11 been successful at sales. It's the only thing
12 I can fall back on and --

13 Q. Have you advised any of your
14 clients in your capacity as a consultant with
15 regard to product expansion?

16 A. I advise GE right now about how to
17 come up with additional contracts, additional
18 coverage levels, different terms. Absolutely.
19 I think about a lot of things.

20 Q. Can you tell me some more examples
21 of clients whom you've advised in connection
22 with product expansion?

23 A. Not specifically.

24 Q. Well, let's focus on goods rather
25 than services or contracts. Can you think of

1 C. BERMAN

2 any clients who were goods manufacturers or
3 distributors where you --

4 A. The only thing that I would be
5 able to speak of are things that occurred
6 recently. And if you'd like I can describe
7 the type of expansion that I'm referring to
8 with respect to the GE product. I'll be happy
9 to tell you about that. But going back more
10 than four years or so I'm not going to do.
11 I'm just not going to do.

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Q. Do you recall any clients generally who -- other than GE who you advised in connection with product expansion?

A. I did advise other companies that I worked with. I don't just --

Q. Can you tell me the companies?

A. I advised US Data when I worked with them some of the things I thought they should do. I certainly was involved with Rio Trading.

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2 Q. Have you ever sought a license
3 from anyone to use a particular mark or brand
4 in connection with automobile merchandise that
5 you wanted to manufacture or distribute?

6 A. Yes.

7 Q. Could you tell me about that.
8 Well, how many times?

9 A. Once.

10 Q. And tell me what company was that
11 and what was the mark.

12 A. Well, it was Rio that became OE
13 Conekshünn that became Custom Auto.com which
14 was all an extension of the same company. And
15 we were in discussions with Fubu.

16 Q. Can you tell me about those
17 discussions.

18 A. We wanted to license the name Fubu
19 for automobile products.

20 Q. What products?

21 A. Various automobile products.

22 Q. Such as?

23 A. Such as the same kind of products
24 we're talking about here.

25 Q. Can you elaborate?

C. BERMAN

Well, excuse me. The same sort of products for which you're seeking registration of the ENYCE mark?

A. Well, rims, et cetera.

Q. Well, let's be specific.

Can you tell me the goods for which you're seeking registration for ENYCE?

A. Are you referring to ENYCE?

Q. Yes, I am.

A. You know, wheels --

Q. All the goods that are set forth in your application?

A. Spoilers, license plate holders.

Q. Did you intend -- when you filed this did you intend to actually use it on all these goods?

A. Again, there's no business model associated with this until I receive permission to go ahead and use it and then the business model will be produced.

Q. That's not the question. When you filed this application, serial number 78320850, did you intend to use the mark ENYCE on fitted car covers?

C. BERMAN

A. Perhaps --

Q. It's a yes or no answer.

A. I don't have any -- there's no specific intentions at this time.

Q. No. At that time, though. At the time you filed the application.

A. A car bra, if you want to call that a fitted car cover.

Q. Is that a fitted car cover?

A. I guess.

Q. Shift knobs?

A. Shift knobs, yes.

Q. You intended to use ENYCE on shift nobs?

A. Yes.

Q. On brake pads?

A. Probably not.

Q. No?

A. No.

Q. You didn't intend to use ENYCE on brake pads?

A. No.

Q. License plate holders?

A. Probably.

C. BERMAN

Q. Spoilers?

A. Probably.

Q. Getting back to -- tell me again, on whose behalf did you seek a license from Fubu?

A. It was the corporate entity that eventually become known as Custom Auto.com.

Q. You approached Fubu?

A. You know, I don't know. They may --

Q. Did Fubu approach you?

A. I don't recall.

Q. Were you involved directly in the efforts on behalf of Custom Auto.com to license the mark Fubu?

A. It was really lawyers. Lawyers were involved in it. It really wasn't --

Q. There were no -- it's a yes or no question.

A. I was in a couple meetings if that's what you want to -- if that's the question.

Q. Was it your idea to license Fubu?

A. Well, we were -- it was car guys.

1 C. BERMAN

2 It was something that Fubu had already filed
3 for the trademark for that category.

4 Q. I'm sorry. I'm just going to ask
5 for a yes or no answer. Was it your idea --

6 A. I was one of the people that had
7 the idea, yes.

8 Q. Okay. And why did you think that
9 was a good idea?

10 A. I don't recall.

11 Q. Was it a good idea?

12 A. I don't know. They never did it.

13 Q. Was it a foolish move?

14 A. I don't know.

15 Q. Was it something you regretted
16 trying to do?

17 A. The only thing I regret in
18 business is that --

19 Q. No, it's a yes or no answer.
20 Please.

21 A. Repeat the question I guess.

22 MR. DOYLE: Can you repeat the
23 question.

24 (Record read.)

25 A. What is it that I'm regretting

1 C. BERMAN

2 trying to do? I'm sorry.

3 Q. License Fubu -- the Fubu mark on
4 behalf of Custom Auto.com for the use on
5 automative parts?

6 A. No, do I regret it? No, I don't
7 regret it.

8 Q. Does it make sense to you from a
9 business standpoint?

10 A. It's like anything else. If the
11 product was designed properly, priced
12 properly, distributed properly, promoted
13 properly, it could have been very successful.
14 If it was mismanaged and the designs were
15 poor, you know, and distribution wasn't
16 correct, it would have been a failure. I
17 mean, so was it something that would have been
18 great or something that would have been
19 horrible, I'd like to think that if I was a
20 part of it it would have been successful.

21 Q. Why would you try to license
22 someone else's mark for use on your own goods?

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MR. DOYLE: I'm sorry. Can you
read the question again. And, Mr.

C. BERMAN

Berman, please try and answer the question.

(Record read.)

Q. Can you answer that question, please.

A. Trying to continue a business that had distribution, that had sales, a sales force, with a substitute product.

Q. Okay. You would have to pay Fubu for those licensing rights, correct?

A. Certainly.

Q. And what value is there in the Fubu mark to you in a car manufacturing enterprise?

A. You're asking me to think about something from -- you know, from eight years ago, whenever it was. Seven, eight, nine years ago. Whenever it was. I don't know what value we perceived then.

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Q. Would you have had a greater chance of selling your car accessories if they bore -- if they featured the Fubu mark than you would have if they didn't feature that mark?

A. I don't know.

Q. Was that your hope?

A. That's what Fubu said would happen. I don't know if it would happen.

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Q. Was it your hope that placing the Fubu mark on automobile accessories would make those accessories more appealing to the consumer; yes or no?

A. I don't recall what my thoughts were about it at the time.

Q. Do you recall whether you retained counsel to represent you in negotiations with Fubu?

A. Yes.

Q. Do you recall whether a license agreement was drafted?

A. I don't know if it got to that

1 C. BERMAN

2 stage but I know there were some documents
3 that were being discussed.

4 Q. Over how long a period did these
5 negotiations take place?

6 A. At least a couple of months. I
7 could tell you who the attorney was. I
8 remember the attorney.

9 Q. Please do.

10 A. Specter Gaden Rosen. Milton Ross.
11 They're out of Pennsylvania. There's no
12 secrets.

13 Q. Did you have an equity interest in
14 Custom Auto.com?

15 A. Yes.
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Auto.com, Specter Gaden Rosen was the law firm
that represented -- which was known as OE
Conekshünn at the time or maybe it was still
known as Rio, I don't remember, but they
represented the company in the Fubu
negotiations. Not Dilworth Paxson who

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Q. Do you recall the fees associated with the negotiation of the Fubu agreement?

A. No.

Q. During what time period was -- did these negotiations take place generally? What year?

A. '98, '99. Something like that.

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Prior to coming here today, were

1 C. BERMAN

2 you familiar with the clothing brand Phat
3 Farm?

4 A. Asked and answered.

5 Q. You're refusing to answer that
6 question; is that correct?

7 A. The question has been asked. The
8 question has been asked.

9 Q. Do you know how to spell Phat
10 Farm?

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25 A. Custom Auto.com had a booth at a

1 C. BERMAN

2 trade show. I'm trying to think was it OE
3 Conekshünn. OE Conekshünn had a booth at a
4 trade show, yes. They did. Yes.

5 Q. More than one trade show each?

6 A. Well, it again, it evolved from
7 one industry into another.

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24 Q. And how about on behalf of Custom
25 Auto.com? What was their activity at trade

1 C. BERMAN

2 shows?

3 A. Well, that was at the SEMA show
4 because that was a different situation.

5 Q. What years?

6 A. That was probably '99 I would say.
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21 Q. Okay. What was the name of the
22 company on whose behalf you were attempting to
23 license the Fubu mark?

24 A. OE Conekshünn.

25 Q. And in what year was that?

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4 Q. You mentioned earlier that ENYCE
5 was the first in a series of marks that you
6 hoped to use. And that your theme would be
7 the names of cities with the E on either side.
8 Can you tell me what the other marks were that
9 you had in mind?

10 A. I mentioned them before. This has
11 been asked and answered.

12 Q. Well, you mentioned two. You
13 mentioned LA and Philly. Were there any
14 others?

15 A. This has been asked and answered.

16 Q. No. That question was not asked
17 and it has not been answered. You mentioned
18 LA and Philly.

19 A. I also mentioned Detroit when the
20 question was asked before and the question has
21 been asked and the question has been answered.

22 Q. What other cities in addition to
23 LA, Philly and Detroit?

24 A. Well, if you go down the
25 population of the United States --

1 C. BERMAN

2 Q. No, that you had in mind.

3 A. -- and you start with the largest
4 population. And, you know, what weren't going
5 to do Providence, Rhode Island because there's
6 only five people that live in Providence.
7 Rhode Island. But we were going to go down
8 the list of the population.

9 I mean, my thought was to look at
10 the largest cities. Chicago would have been a
11 thought. You know, whatever cities that have
12 large amounts of people living in them or
13 around them would be the logical list of
14 cities.

15 Q. Did you have any documents or
16 notes pertaining to these plans? Did you jot
17 down your ideas?

18 A. These plans were only in my mind.

19 Q. Okay. So we have -- the ones that
20 you've mentioned specifically were Philly, LA
21 and Chicago. Were there any others that you
22 specifically contemplated using in the same
23 way?

24 A. I looked at the largest city with
25 the most people. That's what I wanted to

1 C. BERMAN

2 start with. And if I had success in the
3 largest city in the United States I could then
4 move forward and look at the second largest
5 city in the United States which is either LA
6 or Chicago depending on whose information
7 you're looking at. And then who's the third
8 largest and who's the fourth largest. Is
9 Philadelphia the fourth largest, is Detroit,
10 is San Francisco. Who's the fourth largest,
11 who's the fifth largest, who's the sixth
12 largest. I mean, you know.

13 Q. The LA one how were you going to
14 spell that?

15 A. You know, the actual -- it would
16 have been something like ELAE would have been
17 the thing. But you know what?

18 Q. And how about Philadelphia?

19 A. If you notice there's no artwork
20 associated with my mark because the artwork
21 would have to be developed. And then if the
22 art work were developed to be associated with
23 ENYCE, the same artwork theme would carry on
24 to the next city and then that would be the
25 whole -- that's the thought process. Did it

1 C. BERMAN

2 ever develop past that, no. Because we're
3 waiting to find out if and when I receive a
4 approval from the United States Patent &
5 Trademark Office to move forward. And if it
6 works in New York City then it will be looked
7 upon for the other cities.

8 Q. I'm not talking about font or
9 artwork. I'm talking about spelling.

10 So for the LA one it would be
11 ELAE? How about Philly? What was your plan
12 with that?

13 A. There are no plans. I don't know
14 how many times I have to tell you. The plans
15 are -- the plans would be developed.

16 Q. Did you have a specific idea about
17 how you were going to use this family of
18 marks?

19 A. I was going to call you and I was
20 going to ask you to help me come up with the
21 idea.

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Q. You mentioned E Philly E before.
I was just curious how you intended to spell
it.

A. I don't know.

Q. You don't know. Mecca. You
applied for that within months of the ENYCE
application; is that correct?

A. Asked and answered.

Q. Well, looking at the two
applications I see that the ENYCE application
was filed October 30th, 2003. The Mecca
application was filed just within two months
of that.

Why didn't you include the E on

1 C. BERMAN

2 the front and back ends of Mecca?

3 A. These questions have been asked
4 and answered. The questions about this have
5 been asked.

6 Q. That question has neither been
7 asked nor answered, Mr. Berman. And I'm
8 asking you now why did you not include the E
9 at either the beginning or the end of the mark
10 for Mecca?

11 A. I don't know. These questions
12 have been asked and answered.

13 Q. You mentioned that you abandoned
14 the Mecca mark because of the backlash in the
15 United States against names that might be
16 related to Moslems or Islam; is that correct?

17 A. Asked and answered.

18 Q. Is that correct?

19 A. That question's been asked, the
20 question's been answered.

21 Q. And your answer was you abandoned
22 this because of that backlash.

23 Why did you apply for it in August
24 of 2003, two years after the attacks on the
25 World Trade Center?

1 C. BERMAN

2 A. I don't know. I don't recall.

3 Q. Custom auto websites. There was
4 some mention of those earlier and you said
5 that you didn't want to look at them just to
6 see how others have made a go of a business
7 that Custom Auto.com had not succeeded in.

8 At the time that you were actively
9 attempting to develop Custom Auto.com were you
10 looking at custom auto websites?

11 A. Yes.

12 Q. Do you recall any of those
13 websites?

14 A. Yes.

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23 Q. You mentioned earlier that Gucci
24 had something to do with cars. What was it
25 that you recalled that Gucci did with cars?

1 C. BERMAN

2 A. I recall, like, the days of that
3 guy that would come on with the Chrysler
4 Cordoba, the guy that was --

5 Q. Riccardo Montalban?

6 A. Riccardo Montalban. Who was the
7 guy from Fantasy Island.

8 Q. Fantasy Island um-hum.

9 A. And he would come on with that
10 Chrysler Cordoba or whatever it was called.
11 Was that the name of the car?

12 Q. I think so.

13 A. And I just remember the split-top
14 roof. And I remember them somehow having a
15 Gucci like half roof on the car.

16 Q. Gucci meaning with the little logo
17 repeating on it or something?

18 A. Um-hum, yeah.

19 Q. And we were talking earlier about
20 Eddie Bauer and L. L. Bean. Would you
21 consider those lifestyle brands of clothing?
22 You had mentioned that Eddie Bauer you
23 associated with hiking. Are those what you
24 would consider lifestyle brands?

25 A. I'm not an expert on that to try

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And how about L. L. Bean? What do you think of when you think about L. L. Bean?

A. I think of a catalogue that I never open up. So I don't even know what I think of. All I think of is the fact that I know they have a catalogue. And I don't think -- I don't remember ever opening it up.

Q. So you don't have -- it doesn't conjure up any association for you.

A. No.

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Q. Okay. Let's take them one at a time. Is Eddie Bauer a mark associated with clothing?

A. Asked and answered.

Q. Mr. Berman, is L. L. Bean a mark associated with clothing?

A. I just answered what I think of when I think of L. L. Bean.

Q. No, you didn't answer the question of whether L. L. Bean was a mark associated with clothing. Please answer that.

A. To me it's a mark associated with a catalogue.

Q. A catalogue that sells what?

A. A catalogue that I never opened.

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Q. But you don't know if L&L Bean is
a mark that's used on clothing.

A. I don't know anything about L. L.
Bean.

Q. Okay.

A. And neither do you apparently,
because you keep calling it L&L Bean. At

1 C. BERMAN

2 least I know it's L. L. Bean.

3 Q. Well, thank you.

4 How about Levy? Is that a mark
5 associated with clothing?

6 A. Yes.

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11 Q. Is Gucci a fashion brand?

12 A. You're asking me to be an expert
13 on things that I've never claimed to be an
14 expert on, sir.

15 Q. No, I'm not asking you to be an
16 expert at all. I'm asking if you considered
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Q. How about for clothing? Harley Davidson marks, have you seen those appear on clothing?

A. I've seen leather jackets that have a Harley David mark on it.

Q. T-shirts?

1 C. BERMAN

2 A. I've seen some T-shirts.

3 Q. Tank tops?

4
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7 Q. Any of which have the Harley marks
8 on the labels?

9 A. Yes.

10 Q. As opposed to just on the exterior
11 of the garment.

12 A. Yeah. They're clearly -- they're
13 clearly -- I think they have the Harley name
14 and the Harley logo.

15
16
17
18 Q. Okay. Have you heard of Sean
19 Puffy Combs, or also known as P. Diddy, also
20 known as Puff Daddy?

21 A. Asked and answered.

22 Q. You mentioned earlier that 700 to
23 \$3,000 for wheels sounded high to you. Do
24 wheels that are -- that bear a recognizable
25 brand sell for more than wheels that are

1 C. BERMAN

2 unbranded in your experience?

3 A. I have not been involved in the
4 sale of wheels in quite some time.

5 Q. Yeah. But in your experience.

6 A. The recognized brand names. Enke,
7 being a brand name, American Racing being a
8 brand name. Ultra Wheel or Ultra something
9 was a major brand name that is a recognized
10 brand name within the industry. But it's not
11 just because of the name. It's because that
12 name is associated with quality. And with the
13 styling.

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22 Q. If you had two items that were the
23 same -- did you ever sell two items that were
24 identical other than the fact that one had a
25 Givenchy label in it and the other did not?

1 C. BERMAN

2 A. Yes.

3 Q. And of the two which would have a
4 higher retail price?

5 A. You would like to think that the
6 branded product would have the higher retail
7 price but it doesn't necessarily guarantee
8 anything.

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13 Q. Are you familiar with the mark
14 Sean John as a marked associated with
15 clothing?

16 A. Asked and answered.

17 Q. I don't think that was answered in
18 a yes or no format when it was asked earlier.

19 Are you familiar with the mark
20 Sean John as used on clothing?

21 A. Asked and answered.

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.

COUNTY OF NEW YORK)

I, FRANCIS X. FREDERICK, a
Notary Public within and for the State
of New York, do hereby certify:

That CARY BERMAN, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of
the testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that
I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of
July, 2006.

FRANCIS X. FREDERICK

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----- I N D E X -----

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----- INFORMATION REQUESTS -----

DIRECTIONS: NONE
RULINGS: NONE
TO BE FURNISHED: NONE
REQUESTS: NONE
MOTIONS: NONE

----- EXHIBITS -----

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NAME OF CASE: L. C. LICENSING

DATE OF DEPOSITION: JUNE 29th, 2006

NAME OF WITNESS: CARY BERMAN

Reason codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

Page _____ Line _____ Reason _____
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CARY BERMAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LC LICENSING, INC.,)
)
 Opposer,)
) Opposition No.
 vs.) 91/162,330
)
 CARY BERMAN,)
)
 Applicant.)
 -----)

Exhibits

DEPOSITION OF CARY BERMAN
New York, New York
Thursday, June 29, 2006

Reported by:
FRANCIS X. FREDERICK, CSR, RPR, RMR
JOB NO. 7718

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/320,850
For the Mark ENYCE
Filed: October 30, 2003

----- x
L.C. LICENSING, INC.,

Opposer,

v.

CARY BERMAN,

Applicant.
----- x

Opposition No. 91/162,330

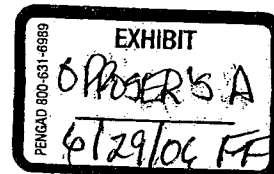
Pursuant to Rule 30 of the Federal Rules of Civil Procedure and 37 CFR §2.120(b),
Opposer, L.C. Licensing, Inc. will take the deposition upon oral examination of Applicant Cary
Berman on June 29, 2006 commencing at 11:30 a.m. at the offices of Cowan Liebowitz & Latman,
P.C., 1133 Avenue of the Americas, New York, NY 10036-6799 before a notary public or some
other person duly authorized by law to administer oaths, and continuing from day to day until
completed.

Dated: New York, New York
June 13, 2006

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 

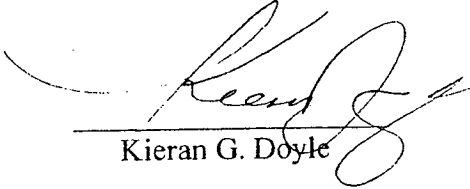
Kieran G. Doyle
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200



CERTIFICATE OF SERVICE

I certify that on June 13, 2006 a copy of the foregoing Notice of Deposition was served on Applicant by causing a copy to be delivered by fax, email and U.S. mail to Applicant as follows:

Cary Brett Berman
1917 Lafayette Road
Gladwyne, Pennsylvania 19035
autocary@aol.com
fax (866) 508-7700



Kieran G. Doyle

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
(610) 227-5600

L. C. Licensing, Inc.

Opposer,

v.

CARY B. BERMAN

Applicant

In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

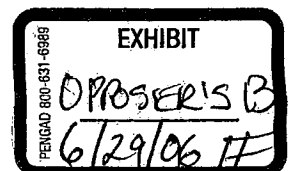
Opposition No. 91162330
Serial No. 78320850

**ANSWER TO OPPOSER'S FIRST SET
OF INTERROGATORIES TO
APPLICANT**

Applicant, representing himself pro se submits this revised ANSWER to
Opposer's FIRST SET OF INTERROGATORIES.

The Applicant is Cary Berman. Cary Berman is a law abiding U.S. citizen living
at 1917 Lafayette Rd., Gladwyne, Pa. 19035. Applicant is not represented by council and
represents himself pro se. Applicant respectfully asks that all parties please correspond directly
with Applicant at the address listed.

Applicant believes that it should receive registration and approval to utilize
Application Serial No. : 78/320850 for the Mark ENYCE filed in International Class 12 on
October 30, 2003 and Published for opposition on August 24, 2004.



Answers to Opposer's FIRST SET OF INTERROGATORIES by numbered paragraph.

1. Applicant does not understand the question "affiliated or involved" but has ownership in one corporation. C. Berman Associates inc., incorporated in Pennsylvania and located at 1917 Lafayette Rd. , Gladwyne, Pa 19035.

2. Currently the only product or service offered by C. Berman Associates are Vehicle Service Contracts from General Electric Auto Warranty Services (GEAWS) .

3. GEAWS 5 Star, GEAWS 4 Star and GEAWS 3 Star.

4. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

5. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

6. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

7. Vehicle Service Contracts are sold to an individual buyer of a Vehicle. C Berman Associates has thousands of customers.

8. Applicant does not understand this question.

9. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

10. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

11. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use.

12. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. The reason Applicant has not used it's Mark is due to this pending Opposition.

13. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

14. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use..

15. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use.

16. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use..

17. Applicant has not made any decisions about the issues asked in this question pending resolution of this matter in the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board.

18. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not made any decisions about the future issues asked in this question pending resolution of this matter in the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board.

19. Applicant has not promoted or advertised it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

20. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

21. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant does not have any affiliates or made any other business arrangements pending resolution of this matter.

22. Applicant has not promoted and will not promote it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

23. Applicant is not aware of any litigation (other than this litigation) involving Applicant's Mark.

24. Applicant has not received any such correspondence.

25. Applicant has not sent any such correspondence.

26. Applicant received a letter from Opposer's council in July of 2004. Applicant took no action.

27. Confusion does not exist as the products are dissimilar.

28. Confusion does not exist as the products are dissimilar. Applicant finds it difficult to understand why a clothing company thinks that automobile products are similar to clothing products.

29. Applicant finds it difficult to understand why automobile products would "cause injury and damage" a clothing company.

30. No one other than Applicant.

31. Cary Berman.

32. Cary Berman.

33. Applicant independently thought to use ENYCE on automobile products and was not aware that ENYCE was ever used on anything if it actually has been used. ENYCE is simply an abbreviation for New York City with the letter "E" on each side to represent electronic commerce. Applicant has a history in the automotive product industry. Specifically Applicant has utilized the internet to show a consumer what the automotive product will look like if installed on an automobile. Applicant respectfully asks that the parties review U. S. Patent Application 09/400.600 and U.S. Patent Application serial No. 09/625,950.

34. In an effort to better answer this question Applicant conducted two separate informal studies of 20 individuals each on street corners in Philadelphia, Pa. and in NYC, NY. No one in said studies had ever heard of opposer's clothing company.

35. Cary Berman.

36. None.

37. Cary Berman.

38. Cary Berman, Evan Davis, Rolando Felix, a current or former employee from the Internal Revenue Service and an expert witness.

SUBMITTED this 12th day of September, 2005.

CARY BRETT BERMAN



Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
Phone-610-227-5600
Fax- 610-667-9517
autocary@aol.com



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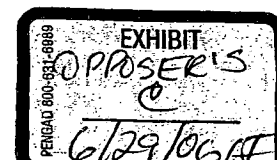
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Typed Drawing

Word Mark	ENYCE
Goods and Services	IC 012. US 019 021 023 031 035 044. G & S: Custom automotive accessories, namely, fitted car covers, shift knobs, brake pads and wheels for land vehicles, license plate holders and spoilers for vehicles
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	78320850
Filing Date	October 30, 2003
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	August 24, 2004
Owner	(APPLICANT) Berman, Cary INDIVIDUAL UNITED STATES 1917 Lafayette Road Gladwyne PENNSYLVANIA 19035
Attorney of Record	Evelyn H. McConathy
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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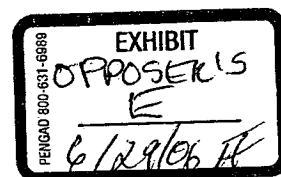
Word Mark MECCA
Goods and Services (ABANDONED) IC 012. US 019 021 023 031 035 044. G & S: Custom automotive accessories, namely, fitted car covers, shift knobs, brake pads and wheels for land vehicles, license plate holders and spoilers for vehicles
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78291580
Filing Date August 25, 2003
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) BERMAN, Cary INDIVIDUAL 1917 Lafayette Road Gladwyne PENNSYLVANIA 19035
Attorney of Record Evelyn H. McConathy
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date September 23, 2004

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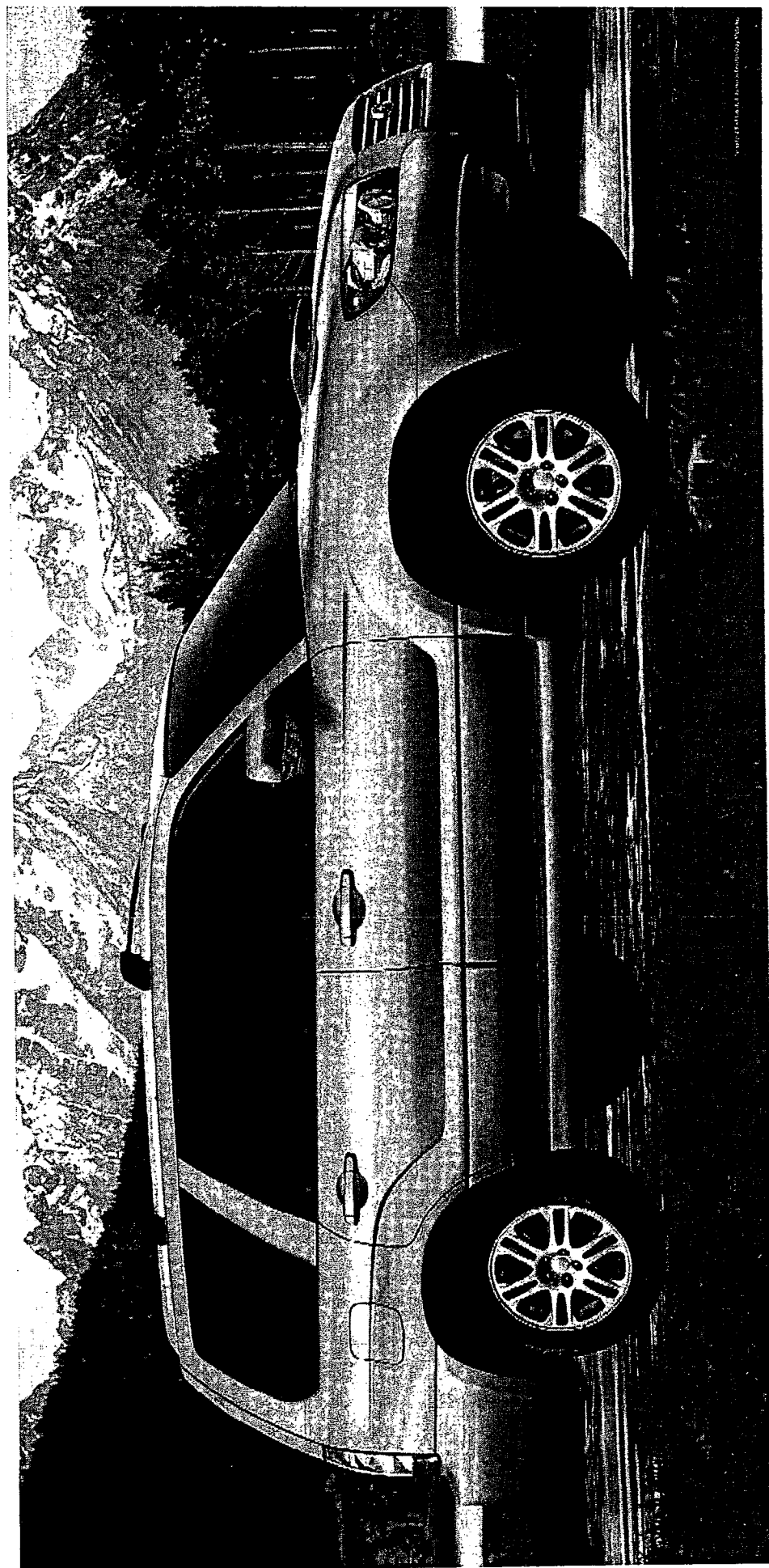
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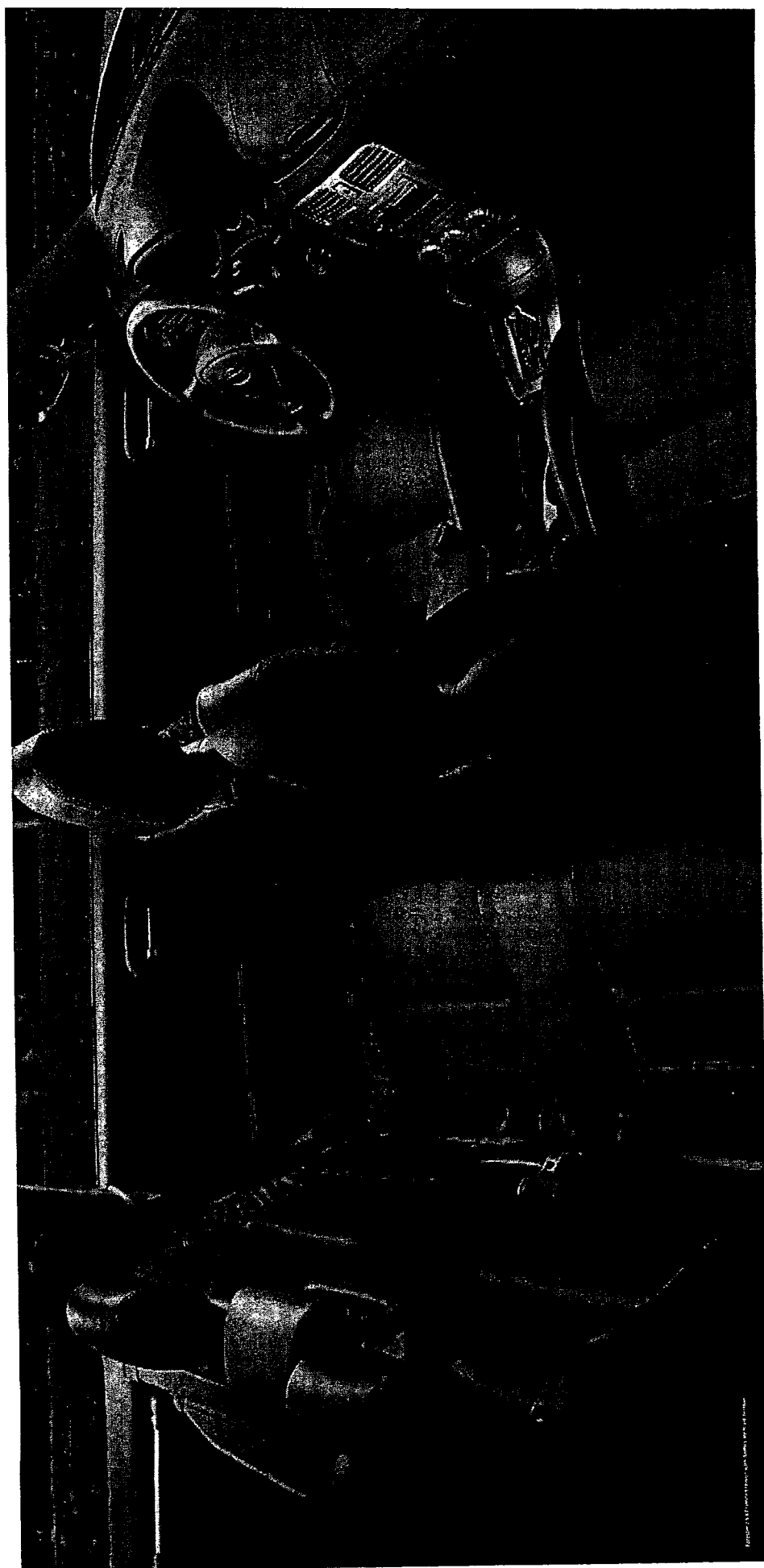


2006 SUBARU
FORESTER



THINK. About innovating. About safety. About uniting everything you want from a car with everything you need in an SUV. In engineering vehicles that go beyond the expected, we never stop thinking. To create new driving experiences. To design a vehicle to meet all your real-world demands. And to be true to what makes a Subaru, a Subaru.





The Subaru Forester Its intelligent size and remarkable versatility redefines what a sport utility vehicle can do. Its safety scores have no equal. Its balanced and more powerful boxer engines, surefooted Symmetrical All-Wheel Drive and agile handling combine to take the SUV to new levels of drivability. Together, they all add up to provide the most valuable asset of all—peace of mind.



2.5X

2.5X

Motivated by a stout 173-horsepower engine and offering extravagant flexibility with generous cargo capacity, the Forester 2.5X is only modest in its price point.

2.5X | Premium Package

Along with all the convenience of the 2.5X, this optional package (shown above) has many additional features like an oversized moonroof, alloy wheels, automatic climate control and heated seats.

2.5X | L.L.Bean® Edition

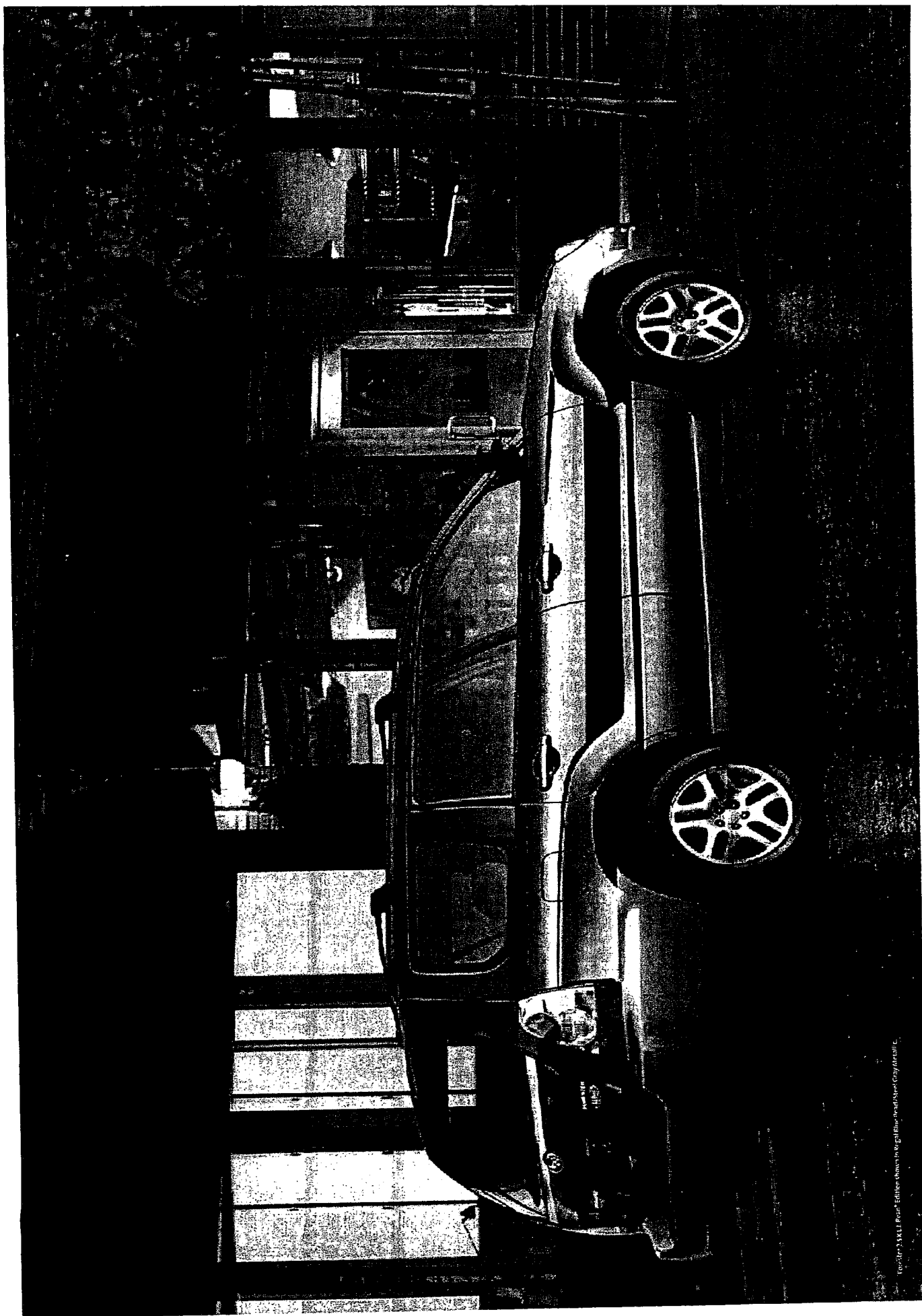
With unique leather-trimmed upholstery, wood and leather-wrapped steering wheel and a durable cargo-area lining, it's as stylish as it is versatile. And it comes standard with a 4-speed automatic transmission.



2.5XT

2.5 XT | Limited

The Forester flagship, with 230 turbocharged horsepower, leather-trimmed upholstery and luxurious features such as a premium audio system and panoramic moonroof.



2008 Jeep® Grand Cherokee® SRT8. All rights reserved. ©2008 Chrysler LLC.

In everything you do, there is confidence.

FEEL

In going where you want to go.

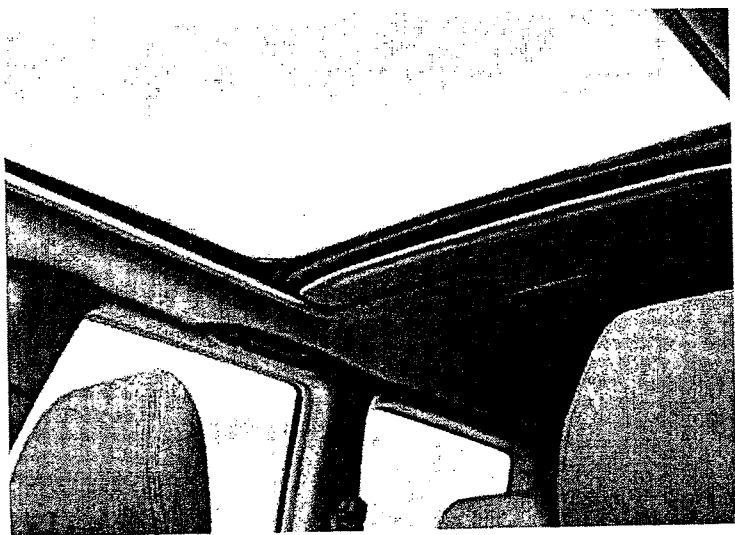
In being ready for whatever the road may hold.

In arriving in style.



Comfort

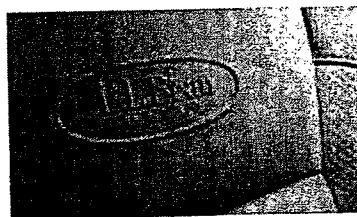
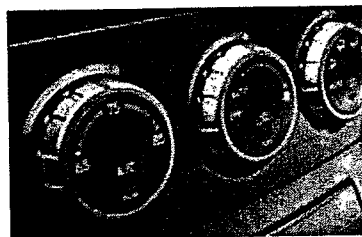
The Forester brings new levels of control not just on the road, but also over your environment. Its spacious cabin, complete with utility, convenience and premium features, lets you govern your surroundings to your exact preferences. Choose the upscale cloth upholstery or the luxury of leather. Find your ideal driving position with the available 8-way power driver's seat and take the chill off the morning frost with dual-stage seat heaters. Feel the beat from the available in-dash six-disc CD changer. And let your passengers enjoy the improved rear-seat comfort. Because every journey is enhanced when the family is content.

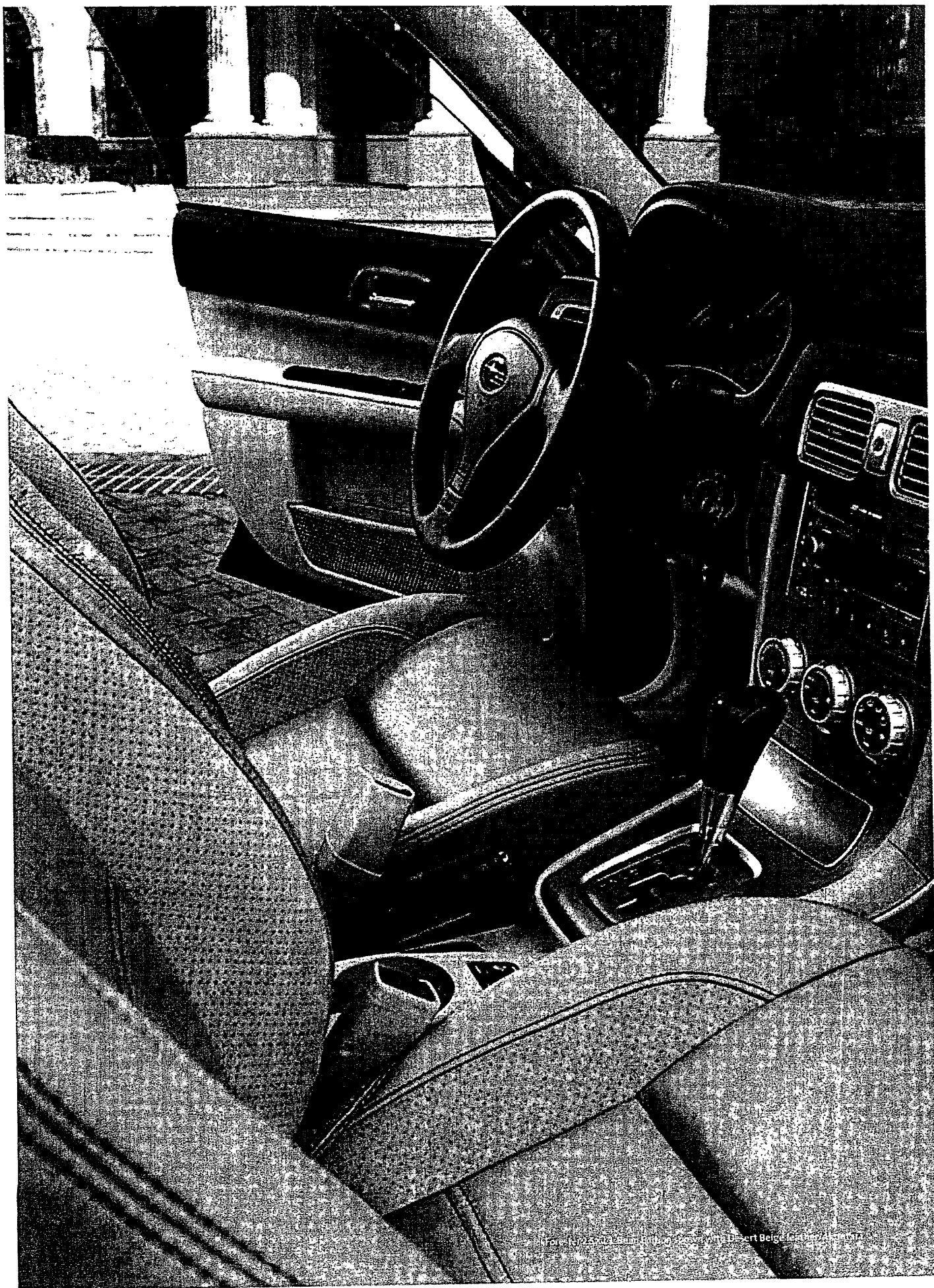


Panoramic moonroof The wide-open sky, available at the touch of a button. Significantly larger than conventional sunroofs, the available panoramic moonroof lets the sunshine and fresh air in for both the front and rear passengers. Enjoy the outdoors without leaving your car.

L.L.Bean® Edition Like its namesake, ruggedness meets stylishness. Inside the dual-toned exterior are seats trimmed in supple Desert Beige leather with perforated Alcantara® on the seat bolsters, L.L.Bean embossing, and a wood and leather-wrapped shifter handle and MOMO® brand steering wheel.

Automatic climate control Just set it and drive. It's easy to find the most comfortable environment for you and your passengers with available automatic climate control, which automatically adjusts the heat or air conditioner to maintain your chosen temperature. The air filtration system keeps harmful particles out, and seven fan settings let you customize the airflow.





Inside the intelligently proportioned exterior is an interior just as thoughtfully designed. The ample, flexible space helps you carry the accoutrements of your busy life, and then some. Start with the spacious cargo area with low liftover height. Follow up with rear seats that are split 60/40 for greater versatility. A wide array of storage bins, pockets, tie-downs and hooks lets you organize and secure. And it comes with a roof rack that holds up to 150 lbs. Go ahead, bring everything you need.

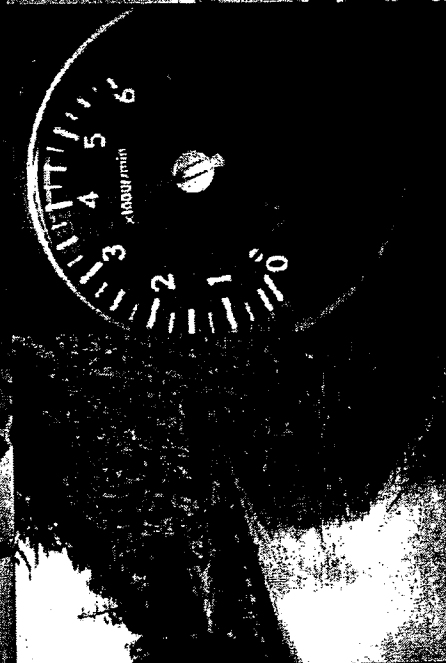
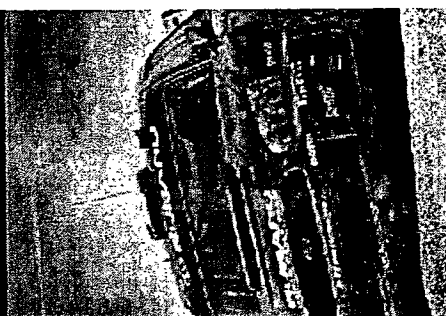
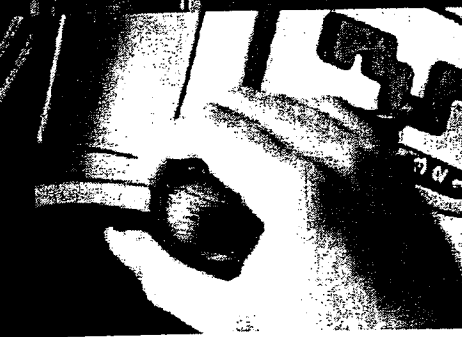
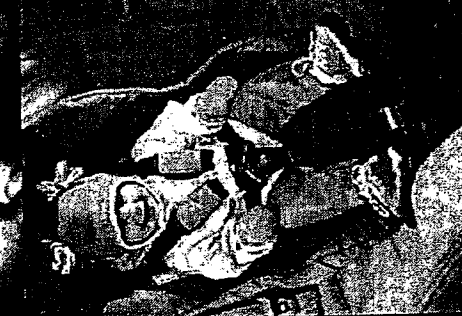


Logan's tie-downs. These accessory nets stretch to accommodate and secure such loose items as helmets, balls and shoes—things that would otherwise clutter up and move around in the storage space. Use four individual nets to line the front, rear and sides of the cargo area, or store them in the side bins when not in use. Tie-downs on the floor and hooks on the sides let you further customize your storage options and provide a handy anchor for grocery bags, maximizing the full potential of the versatile cargo area.

Adults that lean against the side of the car, and rear seat passengers get two extra cupholders. The dual-tiered center console also provides a TV power outlet and a sliding armrest.

Cargo area hooks that stretch under the cargo area floor, you'll find a compartmentalized tray that's perfect for small items prone to sliding around. And they're kept out of sight, away from prying eyes.

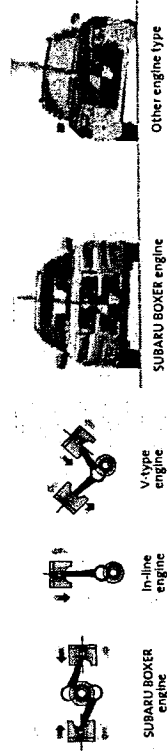




Subaru Boxer Engine

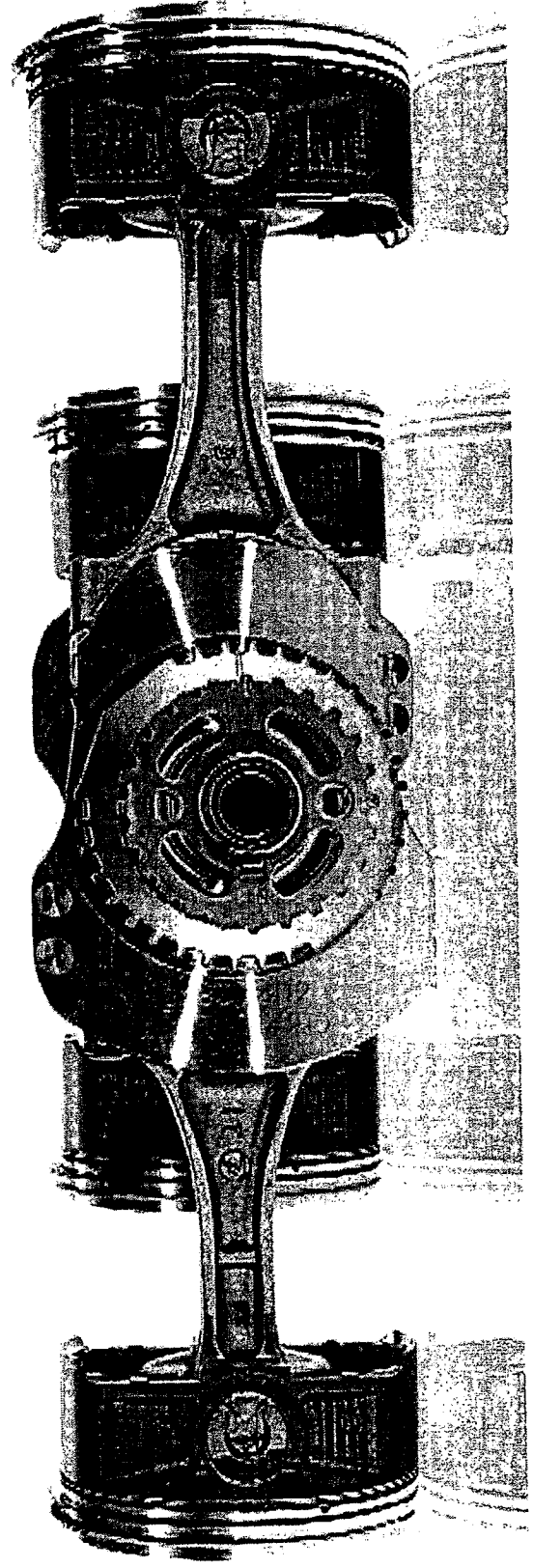
Press the accelerator to get outstanding power, along with a healthy dose of innovation. At the heart of the Forester is our legendary SUBARU BOXER engine, with pistons laid flat in horizontal opposition. Used in every Subaru, this design lowers the center of gravity, providing more precise handling while increasing durability and reducing vibration. Balance. Stability. Power. It's what makes a Subaru, a Subaru.

The roots of Subaru heritage lie in the aviation industry. It is only fitting, then, that the boxer engine was initially developed for use in aircraft—chosen and prized for its compactness, superior performance, inherent smoothness and reliability. It's a design that Subaru has used in its automobiles for almost 40 years, and remains the only configuration worthy of meeting our standards.



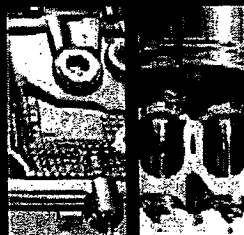
Less vibration The 180-degree boxer engine layout allows the pistons to move in exact horizontal opposition, effectively negating the vibrations of the opposing pistons. The result is smooth, seamless power delivery throughout the rev range.

Better balance The SUBARU BOXER engine's lightweight, compact design lets the engine fit lower in the chassis, providing a lower center of gravity that greatly improves handling and safety. Body roll is reduced during cornering, stability is improved and control maintained.



Performance

Forester engines are rally-proven for remarkable reliability. Constructed of aluminum-alloy for reduced weight and time-tested durability. Enhanced with i-Active Valve Lift System in the 2.5X and Active Valve Control System in the 2.5 XT Limited for increased horsepower and a broader torque curve. And they use Electronic Throttle Control (ETC) for a more precise response to your right foot. With such exceptional engines to motivate the Forester, imagine how the Forester will motivate you.



2.5X The naturally aspirated four-cylinder engine makes 173 horsepower for spirited acceleration, while providing a superior fuel economy of 22 city/29 highway mpg.*

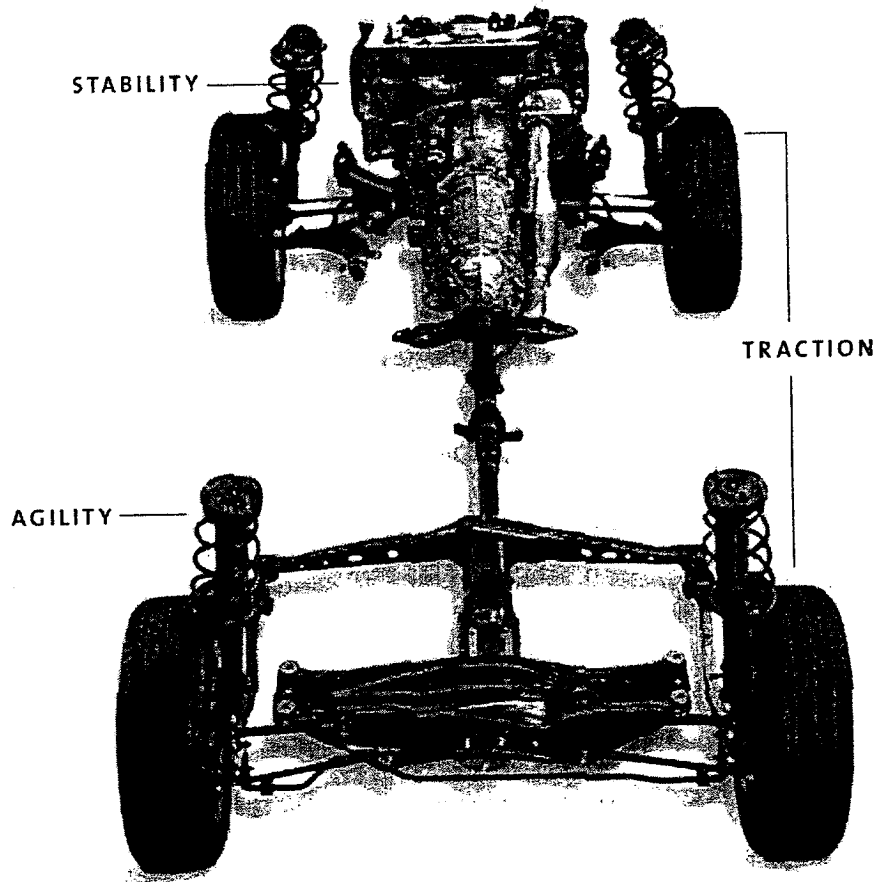
2.5 XT The functional head-croop is the only extent of hint to the thrill that awaits you. Fortified by an intercooled turbocharger that raises horsepower to 230 and torque to 238 lbs-ft, the 2.5 XT Limited delivers proven acceleration that rivals or beats that of many sports cars. They'll never see it coming.

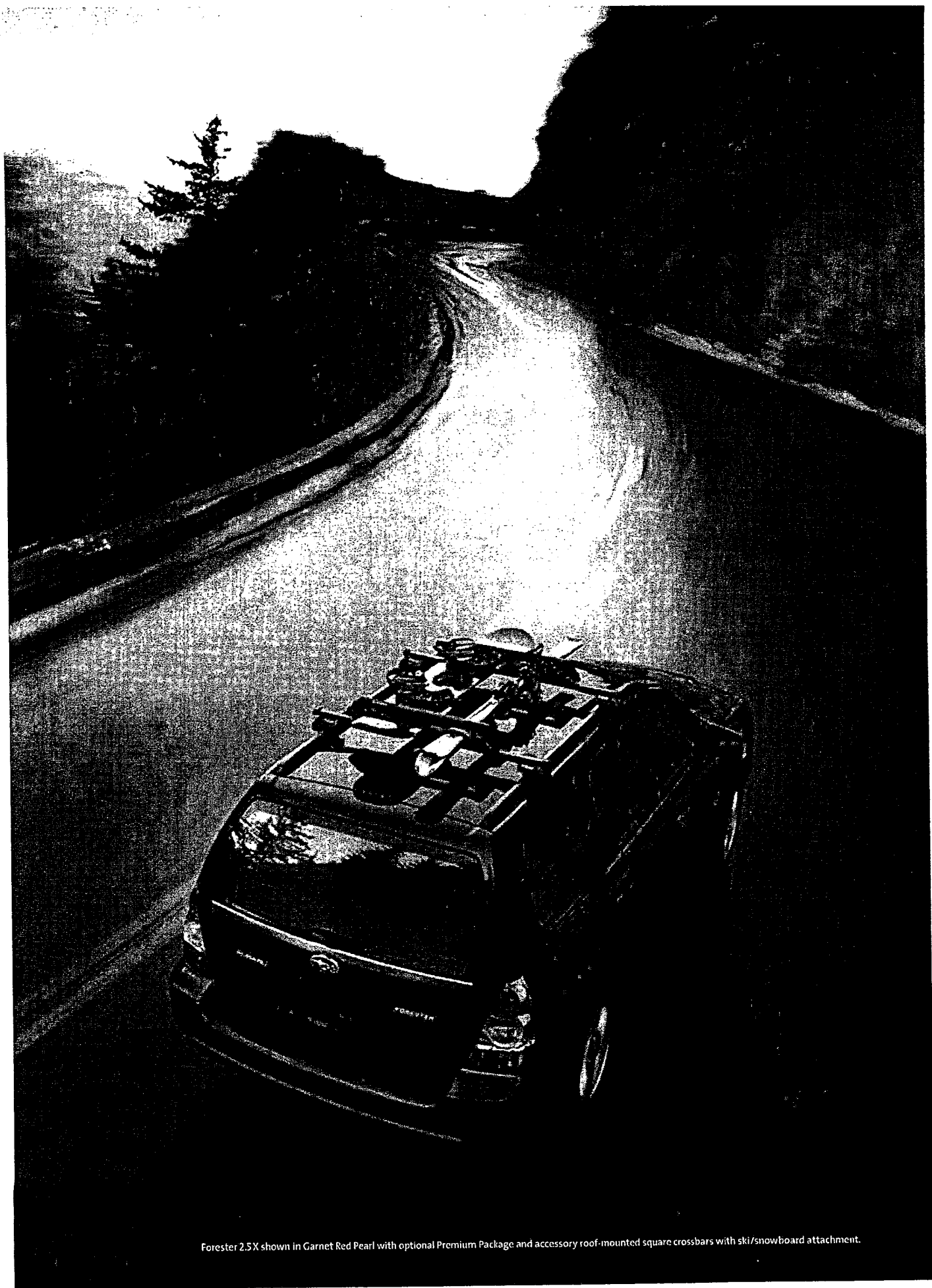
*EPA estimates. Actual mileage may vary.

Forester 2.5XT Limited shown. © 2001 Subaru Corp.

Symmetrical All-Wheel Drive

All-wheel drive isn't unique. But Symmetrical All-Wheel Drive is. Its ideal balance ensures stability and poise. And its efficiency at transmitting power ensures greater grip and quick response to slippage. Providing more than just safety on slick roads, it delivers intensified performance on any road. All-wheel drive is not just our heritage, it is our passion.





Forester 2.5X shown in Garnet Red Pearl with optional Premium Package and accessory roof-mounted square crossbars with ski/snowboard attachment.

Symmetrical All-Wheel Drive

Subaru offers two advanced All-Wheel Drive (AWD) systems in the Forester. With their symmetrical layout, power flows directly from the engine to the wheels for more efficient response to any slippage. Should the road surface suddenly change, the Forester instantly redirects power from the wheels that slip and delivers it to those with greater grip. Maximum adhesion. More control. Enhanced safety.



5-speed manual transmission. For those who prefer to shift on their own, fully synchronized to deliver smooth and precise shifts, our manual transmission also features a Hill Holder system to help minimize rolling backwards on inclines.



4-speed automatic transmission. This smooth-shifting unit offers a Standard mode to maximize the Forester's impressive fuel economy, a Sport mode for peak performance and an adaptive feature for better drivability on hills.

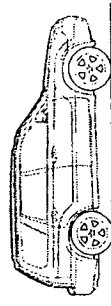
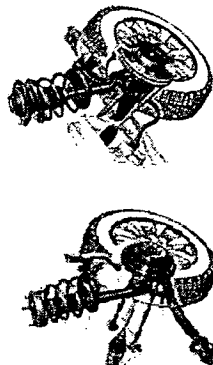


Continuous AWD. Under normal conditions, power is split 50/50 between the front and rear wheels. Should wheel slippage occur, the viscous-center locking differential of the manual transmission automatically helps transfer power to the wheels with the most amount of traction.



Active AWD. Paired with the available automatic transmission, the Active AWD system monitors parameters like wheel slippage and vehicle speed, adjusting power to the front or rear wheels with the most traction. This computer-controlled system anticipates and actually seeks to maintain optimal adhesion.

Heavy-duty raised suspension. Unlike most SUVs, the Forester provides nimble and agile handling thanks to its car-bred, SUV-optimized 4-wheel independent suspension. With revised geometry for 2006, it provides quicker response to steering input and a smoother ride, yet its ground clearance of 8.1 inches (7.9 in. for 2.5 XT Limited) is comparable to many truck-based SUVs.



Self-leveling rear suspension. Exclusive to the Forester 2.5X LL Bean® Edition, this system features self-adjusting rear struts that react to load weight to maintain optimum vehicle ride height. The result is consistent ground clearance and enhanced balance overall, even when you've filled its considerable spare with gear. Or taken advantage of its 1,400-lb towing capacity.

1. Not available on base Forester 2.5X.



Safety

Five Star Safety Rating for front and side impact collisions.*

- National Highway Traffic Safety Administration

Active head restraints
Help protect against whiplash.

Increased visibility
Tail greenhouse increases field of vision.

Daytime running lights
For increased visibility to other drivers.

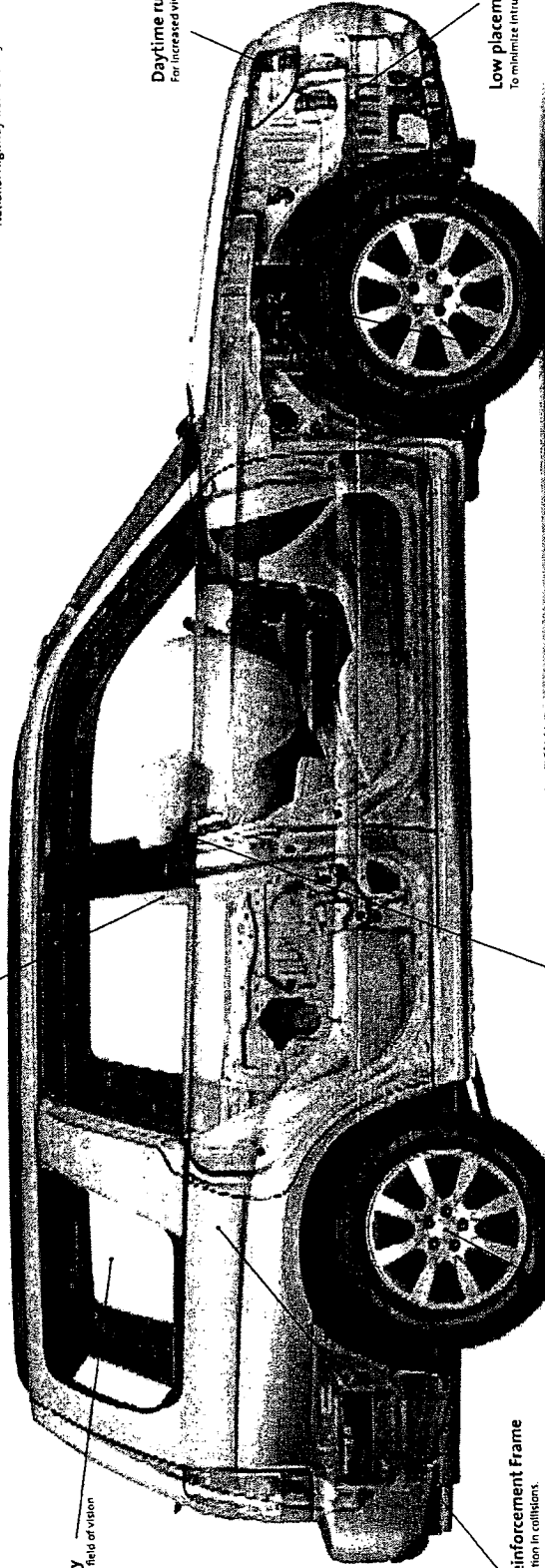
Ring-Shaped Reinforcement Frame
Greater energy absorption in collisions.

Low placement of boxer engine
To minimize intrusion into passenger cabin.

Symmetrical All-Wheel Drive
For improved traction and agility.

Side-impact air bags
Help protect during side-impact crashes.

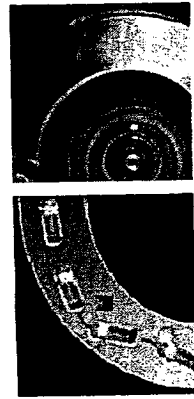
4-wheel independent suspension
For increased handling limits.



Accident Avoidance The least dangerous accident is the one that never happens. With this in mind, we've enhanced the Forester with numerous technologies to help keep you out of harm's way, like 4-wheel antilock disc brakes (ABS) with Electronic Brake-force Distribution (EBD) to increase stopping power.¹ And of course, our trademark Symmetrical AWD and lower center of gravity work in concert with the four-wheel independent suspension and rigid chassis for nimbleness and agility to help avoid danger. At Subaru, every innovation is designed with your safety in mind.

Control Standard full-time AWD automatically adjusts power to all four wheels, helping to maintain greater traction, no matter what the road surface or the weather has in store. Unlike 2-wheel-drive vehicles, which may be prone to understeer or oversteer, AWD helps you maintain better control of your Forester.

Electronic Brake-force Distribution Working in conjunction with the 4-wheel antilock braking system, EBD maximizes stopping power by optimally apportioning power front to rear under heavy braking.



¹ Not available on base Forester 2.5L.

Impact Protection We never rest in our enduring effort to devise better ways to protect passengers. In Forester, the results are features like seatbelts with front pretensioners and load limiters, crumple zones, side-impact beams and a Ring-Shaped Reinforcement Frame around the cabin to help better absorb the impact of a crash. And a full array of air bags offers protection for the front and sides.² Since its introduction, the Forester has consistently received the highest crash-test scores in its class.



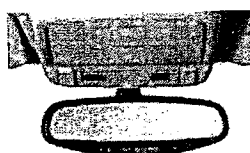
Side-impact air bags Mounted in the front seats to help provide the best protection no matter what your ideal seat position is. Designed to help protect both your head and torso, they helped the Forester achieve the highest crash-test safety scores in insurance Institute for Highway Safety (IIHS) testing.³

Active head restraints In the event of a rear-end collision, the active front-seat head restraints provide another layer of protection by automatically moving forward to cradle your head to help minimize the possibility of whiplash.



² Government star ratings are part of the National Highway Traffic Safety Administration's (NHTSA's) New Car Assessment Program. ³ Always wear seatbelts. Children should be properly restrained in the car seat. ⁴ For more information, contact the insurance institute for highway safety and visit their website at www.iihs.org.

Accessories



Outfit your Subaru to be as unique as your adventures. Backed by a 3-year/36,000-mile limited warranty,¹ Genuine Subaru Accessories give you the ability to take everything—and anything—you need.

Turbo Boost Gauge Illuminated turbo boost gauge mounts conveniently to side of steering column.

Cargo Tray Help protect the carpeted floor from your muddy gear with this rugged tray that lines the cargo area.

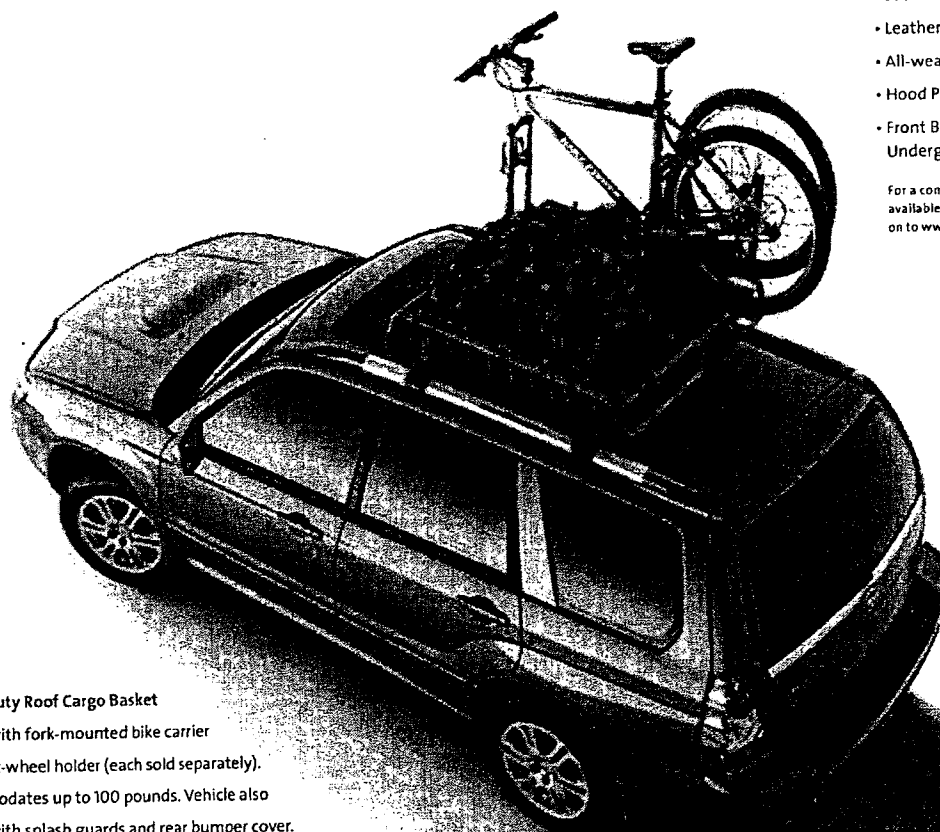
Autodimming Mirror with Compass When bright headlights from the rear are detected, the rearview mirror automatically darkens to reduce glare. Also includes electronic compass.

Available accessories

- Crossbar Set (Square)
- Roof-mounted Bike Attachment
- Roof Cargo Carriers
- Kayak Carrier
- Trailer Hitch
- Hitch-mounted Bike Attachment
- Cargo Bin
- Compartment Separator/Dog Guard

- Severe Weather Companion
- Cargo-area Spotlight
- Autodimming Rearview Mirror with Compass and HomeLink*
- Security System Shock Sensor
- 6-disc In-dash CD Changer
- Upgraded Speakers
- Tweeter Speaker Kit
- Subwoofer/Amplifier
- Leather Shift Knobs
- All-weather Mats
- Hood Protector
- Front Bumper Underguard

For a complete list of available accessories, log on to www.subaru.com



Heavy-duty Roof Cargo Basket

Shown with fork-mounted bike carrier and front-wheel holder (each sold separately). Accommodates up to 100 pounds. Vehicle also shown with splash guards and rear bumper cover.

¹ Accessories backed by 3-year/36,000-mile New Car Limited Warranty when installed at time of vehicle purchase. For complete details on warranty coverage and exclusions, see your Subaru dealer or log on to www.subaru.com

Forester 2.5 XT Limited shown in Steel Gray Metallic.

Ownership

Enjoying your Subaru for years to come—that's the promise of our comprehensive warranties and roadside assistance program. It's a fact attested by the nearly 97% of Subaru vehicles sold in the past 10 years that are still on the road today.¹ It's the confidence you feel when you get behind the wheel.

New Car Limited Warranty 3 years or 36,000 miles, whichever comes first.

Wear Item Limited Warranty 3 years or 36,000 miles, whichever comes first.

Powertrain Limited Warranty 5 years or 60,000 miles, whichever comes first.

Rust Perforation Limited Warranty 5 years, unlimited mileage.

The Subaru Roadside Assistance Program covers all 2006 Subaru vehicles during the first 3 years or 36,000 miles, whichever comes first. By calling the toll-free number in the Owner's Information Kit, Subaru owners can take advantage of any of the following benefits:

- 24-hour Roadside Assistance, seven days a week, 365 days a year, throughout the United States.
- Emergency Towing Service to the nearest authorized Subaru dealer.
- Emergency Roadside Assistance for jump starts, gasoline (up to two gallons), flat tire change, emergency lockout service (lost key or key is locked in the vehicle) and emergency fluid replacement.


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Coach and Lexus Renew Partnership to Produce Coach Edition ES 300

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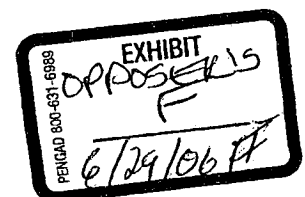
Coach and Lexus Renew Partnership to Produce Coach Edition ES 300; 2001 Model To Be Unveiled at Detroit Auto Show

NEW YORK--Jan. 4, 2001--Renowned for its distinguished leather products, Coach Inc., a leading marketer of modern classic American accessories, and Lexus, the luxury division of Toyota Motor Sales, U.S.A., Inc., announced today the introduction of the 2001 Lexus ES 300 Coach Edition. The distinctive limited edition will be unveiled next week at the North American International Auto Show in Detroit.

"Lexus' unsurpassed reputation in the automotive industry continues to make it the perfect partner for Coach's long-standing tradition of delivering the highest quality and design to discerning consumers," said Lew Frankfort, Chairman and CEO of Coach. "Each Lexus Coach Edition has enjoyed tremendous success since the first introduction in 1996, and we are very proud of the strategic partnership that continues today."

The luxury automaker and high-end retailer have teamed up again in an exclusive deal to produce a distinguished limited edition ES 300 featuring Coach leather-trimmed interior; Coach edition badging, and a Coach cabin bag. Other design and performance features include five-spoke carbon polished alloy wheels; wood-and-leather-trimmed steering wheel; birds-eye maple wood trim; power moonroof; 3.0 liter, 210-horsepower V6

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- Industry Insider



engine; and in-dash, six-disc CD auto-changer. This special Coach edition will be available in Black Onyx with black or ivory interior, Diamond White Pearl and Oyster Pearl, both with an ivory interior.

"There have been three previous Lexus Coach Editions in the USA - the '97 LS 400, and two ES 300 editions in '96 and '99 - not to mention three Coach Editions in Japan," reported Denny Clements, Lexus Group Vice President and General Manager. "Our experience together has proven that the partnership of the one of the world's leading luxury automakers with the leather industry's most acclaimed designer and manufacturer can't be beat. We look forward to continuing to bring shared traditions of product quality and excellence from both industries to the marketplace."

The 2001 Limited Lexus ES 300 Coach Edition is priced at \$34,395 manufacturer's suggested retail price (MSRP). The exclusive options in the limited edition represent nearly a \$5,000 value for a cost of \$3,000 MSRP.

The Coach Edition will be available through the 190 Lexus dealerships nationwide beginning January 25, 2001.

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Founded in Herzogenaurach, Germany in 1948, PUMA is one of the world's largest providers of athletic footwear, apparel and accessories. Over the years, PUMA has stayed true to its four cornerstones: heritage, sports performance, technological innovation and challenge. PUMA has continued to diversify its brand image and products to become the alternative sports brand that successfully fuses the creative influences from sport, lifestyle and fashion. Motorsport, too, is an area PUMA is familiar with – PUMA's performance racing shoes were first used by various drivers and teams in the 1970s and early 1980s. And since 1998 PUMA's motorsport division

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The Future Cat Hi Pro P is the epitome of minimalism and functionality of footwear for the race professional.

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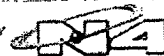
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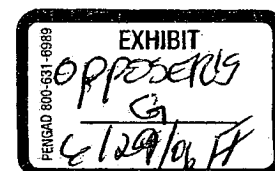


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Founded in Herzogenaurach, Germany in 1948, PUMA® is one of the world's largest providers of athletic footwear, apparel and accessories. Over the years, PUMA has stayed true to its four cornerstones: heritage, sports performance, technological innovation and challenge. PUMA has continued to diversify its brand image and products to become the alternative sports brand that successfully fuses the creative influences from sport, lifestyle and fashion. Motorsport, too, is an area PUMA is familiar with – PUMA® performance racing shoes were first used by various drivers and teams in the 1970s and early 1980s. And since 1998 PUMA's motorsport division has gradually assembled an impressive portfolio of sponsorships.





Europe: Scuderia Ferrari, BMW.WilliamsF1, Sauber Petronas, and Minardi Team all campaigned PUMA footwear and racewear in the 2005 Formula One season. Returning World Champion Renault F1, Scuderia Ferrari, RBS Williams GP, and BMW Sauber will campaign PUMA wear from head to toe for the forthcoming 2006 F1 season. PUMA also partnered with Citroen and Sebastien Loeb to capture the WRC championship in 2005, and continue as the official supplier of teamwear and footwear to the Ford Focus RS WRC Ford Team RS in 2006. PUMA will continue its support of ART GP as the returning inaugural GP2 champions for 2006. PUMA continues with AMG Mercedes in DTM, with BMW in the FIA WTCC, and the Formula BMW series for the 2006 season.





North America: PUMA supports a wide range of IRL teams and drivers from Ganassi Racing, Team Rahal Letterman, Andretti Green, amongst others. PUMA also will continue on with now their third championship season with the reigning Champ Car champion Newman/Haas - drivers Bruno Junquiera and Sebastien Bourdais - all equipped with PUMA racing suits and footwear. New for 2006, PUMA moves into the "Chase" for the Nextel Cup (teams TBA Jan. '06) in complete PUMA racewear and footwear packages as demand by the drivers have drawn PUMA's technological advancements to Nascar.





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Tuesday, January 23

Jeremy McGrath Joins Vans Motocross Team

By Press Release

Jeremy McGrath Signature Shoe In the Making

Jan. 23, 2001

SANTA FE SPRINGS, Calif.--Vans announced today at the annual Supershow in Las Vegas the addition of supercross superstar Jeremy McGrath to its expanding motocross team. Fresh off a win Saturday night at the first stop of the Vans Triple Crown of Supercross, the Mountain Dew National Championships, McGrath is well on his way to yet another supercross championship. With a total of 73 career supercross wins and 7 career 250cc Supercross Championships under his belt, McGrath, a.k.a. "Showtime", dominates his sport in a fierce way. With such credits to his name, Vans has decided that McGrath will have his own signature shoe, the MC1, which is currently in development and is expected to be released in Summer 2001.

"I've been wearing Vans ever since I started racing BMX as a kid," says McGrath regarding the new partnership. "I'm stoked to partner with Vans as they have a rich heritage and strongly support the motocross community. I can't wait to show off my new shoe to everyone this summer. Keep your eyes out for it because it's gonna be sick."

"Jeremy is highly respected both here and abroad and the launch of his shoe this summer, along with Geoff Rowley and Cory Nastazio, will be the biggest in Vans' 35 year history. He is an extraordinary athlete and World Champion and we are delighted to have him join our team of top professional and amateur Core Sports athletes," said Gary Schoenfeld, Vans' President and Chief Executive Officer. "I think ESPN Magazine's Chris Palmer summed it up well in the January 22nd issue when he said 'Jeremy McGrath is to motocross what Tiger is to golf -- only MC's been killin' the comp a lot longer'."

McGrath, the twenty-nine year-old motocross prodigy from Murrieta, California, is the most dominant figure in the sport. Since he turned pro in 1989, McGrath has turned the world of motocross racing upside down. His bio reads like no other in the sport; the only seven-time 250cc A.M.A. Supercross Champion ever, most supercross wins ever (60), most wins in a season (14), and most consecutive wins in a season (13). Believed to be an icon for stadium racing, with crowds comparable to the World Series, he was the first rider to receive his own motocross video game which is currently experiencing explosive growth.

In addition to Jeremy McGrath, the Vans motocross team consists of three other riders including Ezra Lusk, David Vuillemin and Carey Hart, the first-ever rider to complete a backflip on a 250cc dirtbike.


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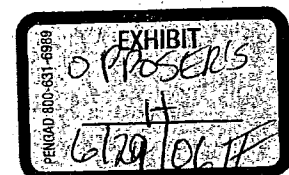
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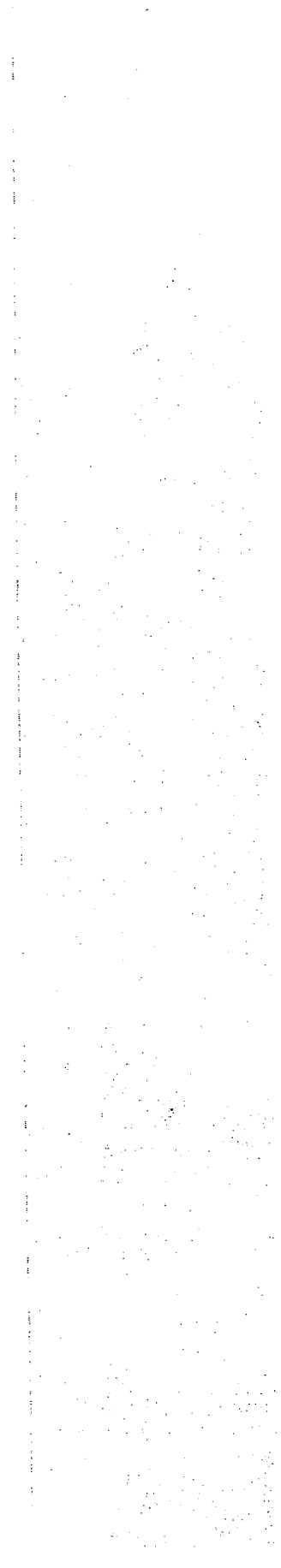
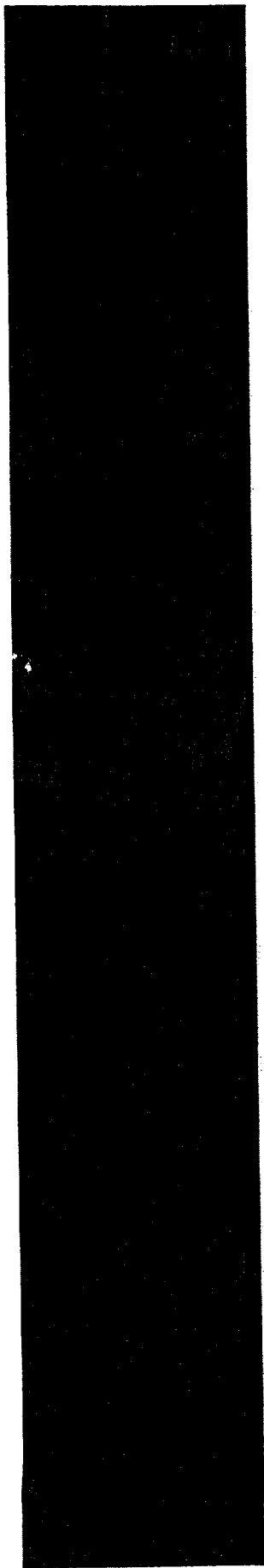


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BREAKING NEWS

Reuters clarification: U.S. senators seeking to make trip to N. Korea.



P. Diddy to make custom aluminum rims

Hip-hop mogul enters joint venture with Weld Wheel Industries Inc.



Sean "P. Diddy" Combs poses with his new line of "Sean John Wheels" at the New York International Auto Show on March 24.

Richard Drew / AP

AP Associated Press

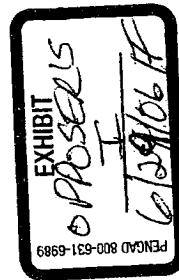
Updated: 7:22 p.m. ET March 25, 2005

KANSAS CITY, Mo. - At 35, Sean "P. Diddy" Combs has already made his mark as a hip-hop musician, Broadway actor, marathon runner, fashion designer, celebrity boyfriend, gossip column favorite, voter registration booster and all-around entertainment entrepreneur.

THE DRIVER'S SEAT WITH ROLAND JONES

Quality drives success
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THE WEDDING DRESS WITH JAMES GIL



6/14/2006

Now, the former Puff Daddy is going into the auto parts business -- and it's all about the wheels.

Combs is joining forces with a Kansas City manufacturer to produce a new line of custom, precision-forged aluminum rims for sports trucks, luxury SUVs and high-end American- and German-made automobiles.

Story continues below ↓

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The 50-50 joint venture between Combs' Bad Boy Worldwide Entertainment Group and Kansas City's Weld Wheel Industries Inc. was announced Thursday at the New York International Auto Show. SJC Wheels LLC will produce and sell "Sean John Wheels," named for the entertainer. They hit stores next month, retailing at between \$700 and \$3,000 each.

"Wheels have become a fashion statement -- a badge of taste and

wheel category by delivering the Sean John sophisticated design with the best quality production."

Partner Greg Weld, the founding president and chief executive of Weld Wheel, said Combs had told him he'd show him how to "bring some sexy" to the wheel business.

Weld, a 61-year-old former auto racing driver who started his wheel manufacturing business in 1970, was a little overwhelmed at the attention attracted by his new partner, marveling at his ability to work a crowd and "build his brand."

"He is an icon in the urban market and the urban market is huge, the single biggest segment of wheel business," Weld said. "But we did not know how to tap into that market. Having a personality or high-profile person is a little like Nike getting together with Michael Jordan. It increases recognition."

"In the urban market, they call it 'bling-bling' which means shiny, shiny and 'Look at me, I have a lot of bling,'" he said. "The way we've designed spokes, holes, the features, it looks like it is aggressively moving when it's not even moving."

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Sean John Rims: Spinning in Fashion

Chris Amos, 03.27.05



He's at it again! The hip-hop mogul with more monikers than Russell Jones (R.I.P., Ol' Dirty Bastard), is now making his foray into the automotive aftermarket arena. At the recently concluded New York International Auto Show, Sean "P. Diddy" Combs introduced his new Signature Collection of precision forged aluminum rims. Sean John Wheels - Yes, Sean John Wheels - will soon be rolling into a custom shop near you.

"Wheels have become a fashion statement--a badge of taste and style," said Puffy. "We see an opportunity to bring excitement to the wheel category by delivering the Sean John sophisticated design with the best quality production."

A joint venture between wheel maker Weld Racing of Kansas City, MO, and Puffy's Bad Boy Entertainment Worldwide Group, the Sean John Wheel Collection is being marketed as a high-end, quality alternative to mainstream custom wheels for your luxury SUV, sport truck, or high-end European or American whip. The nine Sean John Signature wheels feature a range of head-turning designs, from simple but elegant six spoke models to bolder and more intricate 18-spoke versions.

"In the urban market, they call it 'bling-bling' which means showy, shiny and look at me," said partner Greg Weld, founding President and Chief Executive of Weld Wheel. "The way we've designed spokes, holes, the features, it looks like it is aggressively moving when it's not even moving."

Look for Sean John Wheels at your favorite high-end auto accessories retailer this month. The wheels are expected to retail for between \$700 and \$3,000 each.



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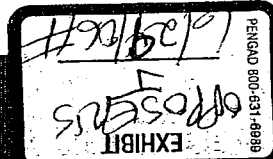
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Wheels 4 Days

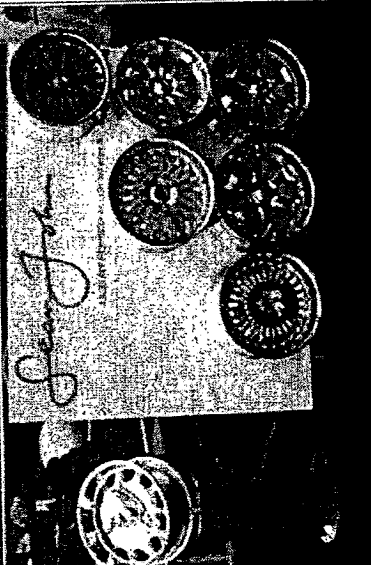
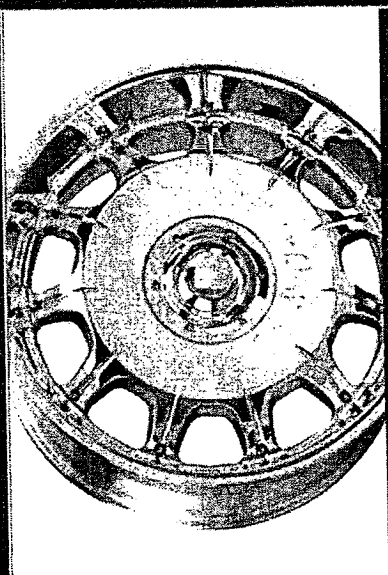
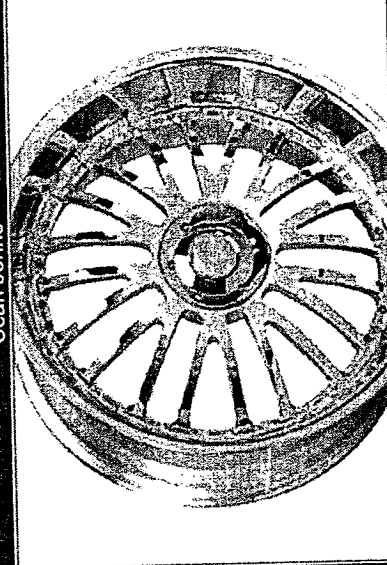
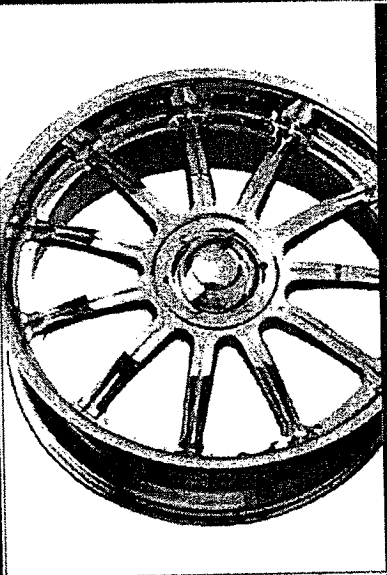
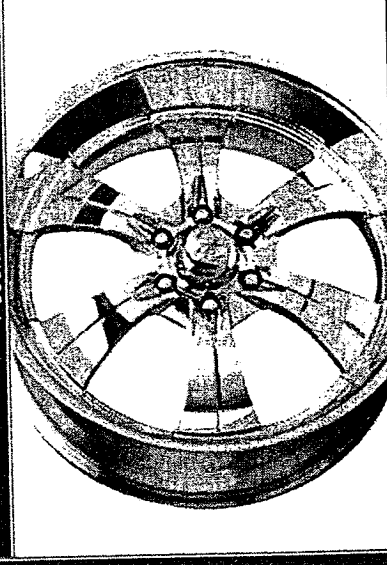
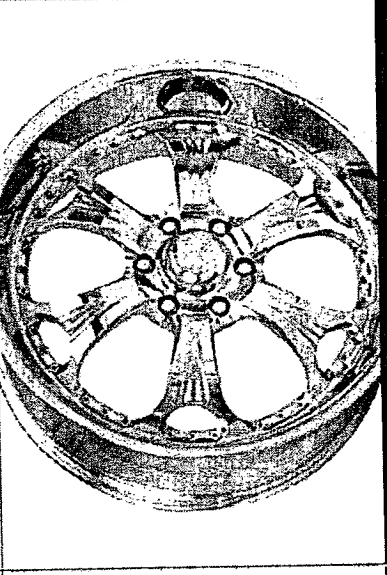
MAKE YOUR MARK



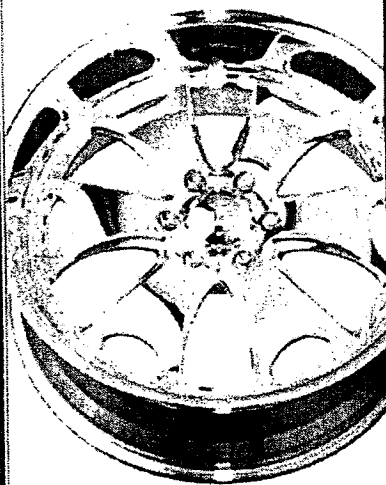


what moves you
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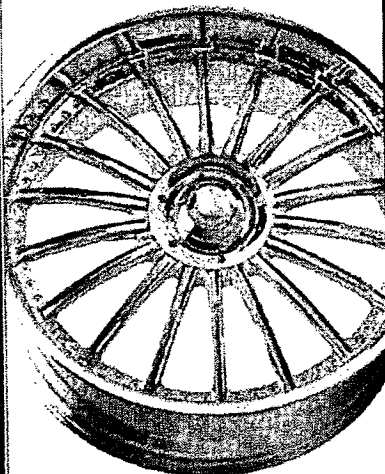
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<p>Sean Johns</p>	<p>Zeus</p>
	
<p>Poseidon</p>	<p>Hermes</p>
	

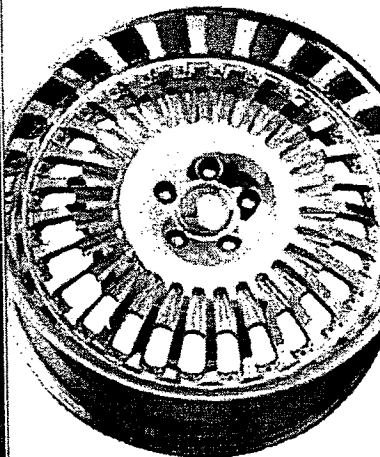
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